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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
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JAN 18 2012

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**Tuesday, January 10, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Norton | 2nd and 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>10:00 AM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Farrell, seconded by Supervisor Kim, moved to approve the Board Meeting Minutes of November 15, 2011, and November 22, 2011. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 110966 which would amend the San Francisco Park Code relating to a long term management agreement with National Park Service for Sharp Park. Due to the Winter Recess and cancelled meeting of January 3, 2012, this matter is being communicated and agendized at this Regular Meeting of January 10, 2012.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

**111365 [Formal Policy Discussions - January 10, 2012]**

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 1, 3, 7, 9, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. As a result of the economic downturn, many of our City's commercial corridors are struggling with both vacant storefronts as well as the loss of long-standing community businesses. In District 1, we are working with the Office of Economic and Workforce Development to save the Balboa Theater from going under. The Balboa Theater is an important anchor business in the Richmond and one of the few remaining independent theaters in San Francisco. Small businesses are the biggest job producers in our City; I believe that helping them stay afloat should be one our highest priorities. Can you articulate specific plans or programs that your administration intends to implement in the coming year that will help our small business sector? (Supervisor Mar, District 1)

2. In the wake of the California Supreme Court decision abolishing Redevelopment, which has been a crucial funding source for affordable housing, what is your vision for creating much needed affordable housing in San Francisco? Specifically, will you support an affordable housing bond or some other dedicated source of funding? Will you streamline and consolidate the multiple agencies involved in affordable housing - including the Mayor's Office of Housing, the Housing Authority, along with functions from the soon-to-be-dismantled Redevelopment Agency? What direction should we take regarding our inclusionary housing requirements, which create some affordable housing when market rate housing is built? (Supervisor Chiu, District 3)

3. Given both the increased costs projected to complete the high speed rail system and the increased uncertainty regarding the sources of revenue for the project, what are the City's plans to ensure that the terminus at the Transbay Terminal remains a world-class project as originally envisioned with the extension of high speed rail into downtown San Francisco? (Supervisor Elsbernd, District 7)

4. I appreciate the budget policy priorities and guiding principles that you created together with community based organizations for the FY2011-2012 budget process. Will you abide by these principles when deciding how to close the projected general fund deficit of $262.7 million in the FY2012-2013 budget, and if so, can you explain how you will put these principles into practice? (Supervisor Campos, District 9)

5. While I am pleased that the San Francisco Municipal Transportation Agency is finally moving to extend the MUNI 14 Mission bus line to Daly City - a project I initiated in 2009. I am concerned that a major piece has yet to be addressed. In order to make this extension a resource that San Francisco residents can actually take advantage of, they must be able to use their Fast Passes/Clipper Cards at Daly City BART in the same manner and cost as they would be able to at a San Francisco station. Otherwise, this service is set up to fail before it even begins. What support can I expect from your office to make this a priority so that we, as a City, can demonstrate our commitment to equal access to services to our residents living in the southern most part of San Francisco? (Supervisor Avalos, District 11)

*Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.*

**HEARD AND FILED**

# CONSENT AGENDA

## Recommendations of the Budget and Finance Committee

**111246 [Administrative Code - Health Service System Contracting Authority; Employee Benefit Cafeteria Plan]**

**Sponsor: Chu**

Ordinance amending the San Francisco Administrative Code Sections 16.900 through 16.905 and 21.02 to update provisions regarding: 1) the San Francisco Health Service System's contracting authority; and 2) the City's Employee Benefit Cafeteria Plan.

FINALLY PASSED

**111282 [Accept and Expend Grant - Reentry SF Program and Amendment to the Annual Salary Ordinance - $747,818]**

**Sponsor: Mayor**

Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of $747,818 from the United States Department of Justice to implement Reentry SF Program, a comprehensive reentry pathway for people on post-release community supervision in San Francisco, and amending Ordinance No. 0146-11 (Annual Salary Ordinance, FY2011-2012) to reflect addition of one (1) Class 1823 Senior Administrative Analyst grant-funded position (0.50 FTE) in the Adult Probation Department.

(Fiscal Impact)

FINALLY PASSED

## Recommendation of the City Operations and Neighborhood Services Committee

**110994 [Transportation Code - Clipper Card Regulations]**

Ordinance amending the San Francisco Transportation Code, Article 7, Division I, by adding Section 7.2.104 to regulate the use of Clipper Cards on transit vehicles or in proof of payment zones. (Municipal Transportation Agency)

FINALLY PASSED

## Recommendations of the Land Use and Economic Development Committee

**110845 [Zoning Map - Rezoning - 312 Connecticut Street]**

**Sponsor: Cohen**

Ordinance amending the San Francisco Zoning Map Sheet No. ZN08 to: 1) rezone Assessor's Block No. 4035, Lot No. 003 (312 Connecticut Street) from RH-2 to NC-2; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

### 111209 [Mission Bay South - Storm Water Pump Station No. 4 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 4 including acquisition facilities located on and under portions of State Trust Parcel Nos. 2 and 6; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

**FINALLY PASSED**

## Recommendations of the Rules Committee

### 111286 [Settlement of Lawsuit - Patricia Sancinito - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Patricia Sancinito against the City and County of San Francisco and Laguna Honda Hospital for $75,000; the lawsuit was filed on May 19, 2011, in San Francisco Superior Court, Case No. CGC-11-511076; entitled Patricia Sancinito v. City and County of San Francisco, Laguna Honda Hospital. (City Attorney)

**FINALLY PASSED**

### 111287 [Settlement of Lawsuit - Mitchell Engineering/Obayashi Corporation, JV - $14,950,000]

Ordinance authorizing settlement of the lawsuit entitled Mitchell Engineering/Obayashi Corporation, JV (MEOC) v. City and County of San Francisco, et al., and related cross-actions, Santa Clara County Superior Court Case No. 1-08-CV-116915 by payment of $14,950,000 from the City to MEOC. (City Attorney)

**FINALLY PASSED**

### 111245 [Appointment, Treasury Oversight Committee - Peter Goldstein]

Motion appointing Peter Goldstein, term ending June 5, 2013, to the Treasury Oversight Committee. (Treasurer-Tax Collector)

**Motion No.** M12-001

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the Consent Agenda

*Supervisor Elsbernd requested that File No. 111266 be severed so that it may be considered separately.*

111266 **[Appointments, Market and Octavia Community Advisory Committee - Krute Singa, Michael Simmons, Kenneth Wingard, Dennis Richards, and Jason Henderson]**
Motion appointing Krute Singa, Michael Simmons, Kenneth Wingard, Dennis Richards, and Jason Henderson, terms ending December 16, 2012, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

*See File No. 120017.*

**DIVIDED; Supervisor Elsbernd divided consideration of Peter Cohen from File No. 111266.**

**APPROVED AS DIVIDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**Motion No.** M12-005

120017 **[Appointment, Market and Octavia Community Advisory Committee - Peter Cohen]**
Motion appointing Peter Cohen, term ending December 16, 2012, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

**Supervisor Elsbernd, seconded by Supervisor Cohen, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:**

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Olague

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Vetoed by the Mayor

110966 **[Park Code - Long Term Management Agreement with the National Park Service for Sharp Park]**
**Sponsor: Avalos**
Ordinance amending the San Francisco Park Code Section 3.20 to: 1) require the Recreation and Park Department to offer long term management agreement to the National Park Service for certain property under the jurisdiction of the Recreation and Park Commission located in San Mateo County that is within the Golden Gate National Recreation Area's legislative boundary (Sharp Park); and 2) making environmental and other findings.

**NOT APPROVED OVER THE MAYOR'S VETO by the following vote:**

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Olague
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

## From the Board

## Supervisor Olague Excused from Voting

**Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Olague be excused from voting on File No. 111366. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 111366 [Adopting Findings Related to the Conditional Use Authorization - 2041 Larkin Street]

Motion adopting findings supporting the Board's decision to: 1) disapprove the decision of the Planning Commission by its Motion No. 18448, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street; and 2) to approve Conditional Use Authorization on property located at 2041 Larkin Street subject to all of the conditions imposed by the Planning Commission by its Motion No. 18448, regarding Application 2010.1083C, and further subject to additional conditions imposed by the Board of Supervisors on December 6, 2011. (Clerk of the Board)

**Supervisor Wiener, seconded by Supervisor Cohen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

**Motion No.** M12-002

**APPROVED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## Supervisor Olague Excused from Voting

**Supervisor Farrell, seconded by Supervisor Avalos, moved that Supervisor Olague be excused from voting on File No. 111367. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 111367 [Adopting Findings Related to the Conditional Use Authorization - 3901 Mission Street]

Motion adopting findings supporting the Board's decision to: 1) disapprove the decision of the Planning Commission by its Motion No. 18442, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street; and 2) approve Conditional Use Authorization on property located at 3901 Mission Street subject to all of the conditions imposed by the Planning Commission by its Motion No. 18442, regarding Application No. 2011.0664C, and further subject to additional conditions imposed by the Board of Supervisors on December 13, 2011. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Mar, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

**Motion No.** M12-003

**APPROVED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## Recommendations of the Land Use and Economic Development Committee

### 111105 [Interdepartmental Jurisdictional Transfer of Property - 341 Corbett Avenue]

**Sponsor: Wiener**

Ordinance transferring jurisdiction of certain unimproved real property located at 341 Corbett Avenue (Assessor's Block No. 2659, Lot No. 059) between 19th Street and Danvers Street from the Mayor's Office of Housing to the Department of Public Works.

**FINALLY PASSED by the following vote:**

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Olague

### 111080 [Zoning Map - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

**Sponsor: Kim**

Ordinance amending the San Francisco Planning Code Sectional Map ZN01 of the Zoning Maps to change the use classification of 676 Howard Street (Block No. 3722, Lot No. 28) from Public (P) to Downtown-Support District (C-3-S) and a portion of 935 Folsom Street (Block No. 3753, Lot No. 140) from Mixed Use-Residential (MUR) to Public (P) as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111213 [Summary Vacation - Hunt Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

**Sponsor: Kim**

Ordinance ordering the summary vacation of Hunt Street as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111240 [General Plan Amendment - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

Ordinance amending the San Francisco General Plan Map 2 of the Community Facilities Element as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; and adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Rules Committee

### 111050 [Administrative Code - San Francisco Sentencing Commission and Recidivism Reduction Ordinance of 2011]

**Sponsors: Wiener; Farrell, Cohen and Chiu**

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-4 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers, and duties; and 3) establish membership criteria.

**Supervisor Wiener, seconded by Supervisor Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-3 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers, and duties; and 3) establish membership criteria.

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

### 111190 [Administrative, Police Codes - Prevailing Rate of Wages Under City Contracts for Specified Services]

**Sponsors: Wiener; Chiu, Campos, Mar, Kim, Cohen and Avalos**

Ordinance amending the San Francisco Administrative Code Sections 21C.2 through 21C.6, and adding Section 21C.7 to: 1) specify the City contracts for services that are subject to the City's prevailing rate of wage requirement (Covered Contracts); 2) consolidate consistent standards for determining and enforcing prevailing rate of wage requirements in all Covered Contracts; 3) provide an employment transition period for workers under successor contracts to all Covered Contracts; 4) provide that all work on Covered Contracts be performed by employees and not independent contractors; and 5) amend the San Francisco Police Code Section 3300C.1 to make conforming changes.

*Supervisors Mar, Kim, Cohen, and Avalos requested to be added as co-sponsors.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Noes: 1 - Elsbernd

### 111288 [Waiving the Competitive Bid Requirements and Approving Modified Indemnification Clause for the Design of a Runway Safety Area Engineered Material Arresting System]

Ordinance waiving the competitive bid requirements of San Francisco Administrative Code Chapter 6, approving a modified indemnification clause pursuant to the requirements of Chapter 6, and authorizing the Airport Commission to award a contract to complete the design of a runway safety area engineered material arresting system. (Airport Commission)
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111290 [Airport Lease Modification - United Air Lines, Inc.]

Resolution approving and authorizing the execution of Modification No. 1 of Lease L00-0464 at Plot 6 with United Air Lines, Inc., at San Francisco International Airport to: 1) extend the term; 2) reduce the demised premises; 3) modify the annual rent; 4) provide for a deferred City improvements payment to City; and 5) provide for certain terms of retroactivity relating to the rent and the deferred City improvements payment. (Airport Commission)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**111308 [Real Property Lease - San Antonio Reservoir to Chevron Pipe Line Company]**

Resolution: 1) authorizing the General Manager of the San Francisco Public Utilities Commission to execute a 20 year lease for an approximately 11.73 acre pipeline right-of- way near the San Antonio Reservoir in Alameda County to Chevron Pipe Line Company at an initial rent of $12,500 per year; 2) adopting environmental findings; and 3) authorizing other actions in furtherance of this Resolution. (Real Estate Department)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**111309 [Contract Amendment - Xtech - $51,000,000]**

Resolution authorizing the Office of Contract Administration to enter into the Third Amendment between the City and County of San Francisco and Xtech (part of the technology store procurement vehicle), in which the amendment shall increase the contract limit from $41,000,000 to $51,000,000. (Office of Contract Administration)
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**111310 [Contract Amendment - Xtech - $60,000,000]**

Resolution authorizing the Office of Contract Administration to enter into the Fourth Amendment between the City and County of San Francisco and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from $40,000,000 to $60,000,000. (Office of Contract Administration)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**111311 [Contract Amendment - En Pointe Technology Sales, Inc. - $38,000,000]**

Resolution authorizing the Office of Contract Administration to enter into the Third Amendment between the City and County of San Francisco and En Pointe Technology Sales, Inc. part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from $28,475,000 to $38,000,000. (Office of Contract Administration)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**111318 [Accept and Expend Grant - Lead Hazard Reduction Demonstration Program for FY2011-2012 - $2,500,000 and Program Income Not to Exceed $200,000]**

**Sponsor: Mayor**

Resolution authorizing the Mayor's Office of Housing to retroactively accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in the amount of $2,500,000 and program income not to exceed $200,000.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## From the Budget and Finance Committee Without Recommendation

**111250 [Sale of City Property - Northeast Corner of Fulton and Gough Streets - Boys and Girls Clubs - $2,500,000]**

**Sponsors: Cohen; Chiu, Avalos, Mar and Kim**

Resolution authorizing: 1) the sale of City property at the northeast corner of Fulton Street and Gough Street to the Boys and Girls Clubs of San Francisco for $2,500,000 subject to a declaration of economic covenants and a project use restriction; 2) adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 3) authorizing other actions in furtherance of this Resolution.
(Fiscal Impact)

*Supervisor Cohen assumed primary sponsorship for this matter.*

**Supervisor Olague, seconded by Supervisor Kim, moved that this Resolution be CONTINUED to January 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**111317 [Real Property Lease - Bauer Intelligent Transportation, Inc. - Pier 50]**

**Sponsor: Chiu**

Resolution approving Port Commission Lease No. L-15004 with Bauer Intelligent Transportation, Inc., a California Corporation, for certain real property located at Pier 50, Sheds A and C, in the City and County of San Francisco, for a term of ten years.

**Supervisor Chu, seconded by Supervisor Mar, moved that this Resolution be CONTINUED to January 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Government Audit and Oversight Committee

**110770 [Municipal Transportation Agency Overtime Appropriations]**

**Sponsors: Campos; Farrell**

Resolution encouraging the San Francisco Municipal Transportation Agency (SFMTA) to develop a plan and the SFMTA Board to adopt a policy to address overtime overruns in FY2011-2012 and subsequent years.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Rules Committee

### 111291 [Confirming Appointment, Entertainment Commission - Bryant Tan]

Motion confirming the Mayor's appointment of Bryant Tan to the Entertainment Commission, term ending July 1, 2015. (Mayor)

**Motion No.** M12-004

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111302 [Appointment, Entertainment Commission - Steven Lee]

Motion appointing Tim Eicher, term ending July 1, 2014, to the Entertainment Commission. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 6 - Avalos, Chiu, Cohen, Kim, Mar, Olague

Noes: 5 - Campos, Chu, Elsbernd, Farrell, Wiener

Motion appointing Steven Lee, residency requirement waived, term ending July 1, 2014, to the Entertainment Commission. (Clerk of the Board)

**Motion No.** M12-006

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

## Privilege of the Floor

**Supervisor Chu, seconded by Supervisor Farrell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Michael Funk of the Sunset Neighborhood Beacon Center in recognition of his 15 years of service to the children and families of the Sunset community and throughout the greater Bay Area upon his retirement.*

## SPECIAL ORDER 4:00 P.M.

### Supervisor Olague Excused from Voting

Supervisor Campos, seconded by Supervisor Kim, moved that Supervisor Olague be excused from voting on File Nos. 111293, 111294, 111295, and 111296. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

**111293 [Public Hearing - Appeal of Final Environmental Impact Report - SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project]**

Hearing of persons interested in or objecting to the Planning Commission's decision, dated November 10, 2011, Certification of a Final Environmental Impact Report identified as Planning Case Nos. 2009.0291E and 2010.0275E by its Motion No. 18484, for a proposed expansion of the San Francisco Museum of Modern Art (SFMOMA), relocation of Fire Station No. 1, and Housing Project. (District 6) (Appellant: Christine W. Griffith on behalf of the KSSF Enterprises, Ltd., owner of the W Hotel San Francisco) (Filed November 30, 2011). (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board. Christine Griffith (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Walter Paulson; Female Speaker; spoke in support of the appeal. Michael Jacinto (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Steven Vettel and Neal Benezra (Project Sponsors) provided an overview of the project. Lisa Hanazio; Fire Chief Joanne Hayes-White; Mike Theriot; Manny Flores; spoke in support of the project and in opposition to the appeal. Christine Griffith (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

HEARD AND FILED

**111294 [Affirming Certification of Final Environmental Impact Report - SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project. (Clerk of the Board)

*Supervisor Kim, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:*
*Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Cohen*
*Excused: 1 - Olague*

*Supervisor Campos, seconded by Supervisor Mar, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Excused: 1 - Olague*

**Motion No.** M12-007

Supervisor Kim, seconded by Supervisor Campos, APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 111295 [Reversing Certification of Final Environmental Impact Report - SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project. (Clerk of the Board)

*Supervisor Kim, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:*
*Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Cohen*
*Excused: 1 - Olague*

*Supervisor Campos, seconded by Supervisor Mar, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Excused: 1 - Olague*

**Supervisor Kim, seconded by Supervisor Campos, TABLED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 111296 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project. (Clerk of the Board)

*Supervisor Kim, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:*
*Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Cohen*
*Excused: 1 - Olague*

*Supervisor Campos, seconded by Supervisor Mar, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Excused: 1 - Olague*

**Supervisor Kim, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## SPECIAL ORDER 4:00 P.M.

### 111358 [Public Hearing - Appeal of a Final Environmental Impact Report - 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Hearing of persons interested in or objecting to the Planning Commission's decision, dated December 15, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2010.0493E, for a proposed project involving America's Cup Sailing Races in the Summer/Fall of 2012 and 2013, including various waterfront venues, and a proposed project involving construction of the James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29. (District 3) (Appellant: Keith G. Wagner on behalf of San Francisco Tomorrow, Golden Gate Audubon Society, Waterfront Watch, and Telegraph Hill Dwellers) (Filed December 19, 2011). (Clerk of the Board)

*Supervisor Chu, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED to January 24, 2012. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Chu, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.*

**Supervisor Chu, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED to January 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*President CONTINUED the Hearing open to January 24, 2012.*

### 111359 [Affirming Certification of Final Environmental Impact Report - 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29. (Clerk of the Board)

*Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Chu, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111360 [Reversing Certification of Final Environmental Impact Report - 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29. (Clerk of the Board)

*Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Chu, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111361 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29.

*Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Chu, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMITTEE REPORTS

## Recommendation of the Land Use and Economic Development Committee

### 111104 [Health Code - Regulating Commercial Dog Walkers on Park Property]

**Sponsor: Wiener**

Ordinance amending the San Francisco Health Code by adding Article 39, Sections 39.01 through 39.13, to license and regulate Commercial Dog Walkers operating on park property.

**Supervisor Chu, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Avalos, seconded by Supervisor Elsbernd, made a motion that this Ordinance be AMENDED to add language relating to 'applying federal guidelines, as available.' Supervisor Avalos withdrew his motion without objection.*

*Supervisor Kim, seconded by Supervisor Avalos, made a motion that this Ordinance be AMENDED to reduce the number of dogs from '8' to '7.' Supervisor Kim withdrew her motion without objection.*

*Supervisor Chu, seconded by Supervisor Avalos, moved that this Motion be AMENDED to reduce the number of dogs from '8' to '7.' The motion FAILED by the following vote:*
*Ayes: 4 - Avalos, Chiu, Chu, Elsbernd*
*Noes: 7 - Campos, Cohen, Farrell, Kim, Mar, Olague, Wiener*

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Male Speaker; expressed various religious concerns.*
*Walter Paulson; shared in song certain concerns with the Board.*
*John Caldera; expressed various concerns relating to homeless veterans.*
*Chris Jerdonek; expressed various concerns relating to ranked choice voting.*
*Male Speaker; expressed various concerns.*
*Douglas Yep; expressed various concerns.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Steve Lightfoot; expressed various concerns.*
*Ray Hartz; expressed concerns relating to government.*
*Edmond Juicye; expressed various concerns.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 111347 [Accept and Expend Gift - World Cup Live 2010 at Civic Center Plaza - $96,000]

**Sponsor: Mayor**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend an in-kind gift, valued at $96,000 from America Scores Bay Area to support operating costs associated with presenting World Cup Live 2010 in Civic Center Plaza.

ADOPTED

**111348 [Multifamily Housing Revenue Bonds - Ridgeview Terrace - Not to Exceed $20,000,000]**

**Sponsor: Cohen**

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $20,000,000 for Ridgeview Terrace; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $20,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

ADOPTED

**111349 [San Francisco Road Runners Club Day - January 21, 2012]**

**Sponsor: Elsbernd**

Resolution recognizing the 10th Anniversary of the founding of the San Francisco Road Runners Club and proclaiming January 21, 2012, to be "San Francisco Road Runners Club Day" in the City and County of San Francisco.

ADOPTED

**111362 [Final Map 5954: 634 - 636 Plymouth Avenue]**

Motion approving Final Map 5954, a Six Lot Subdivision Project, located at 634 - 636 Plymouth Avenue, being a subdivision of Assessors Block No. 7067, Lot No. 014; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M12-008

APPROVED

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Wiener requested that File No. 111352 be severed so that it may be considered separately.*

**111352 [Directing the Clerk of the Board of Supervisors to Work with KPOO Radio Regarding Broadcasting Board Meetings]**

**Sponsors: Mirkarimi; Mar**

Motion directing the Clerk of the Board to work with KPOO Radio on a plan to enable the radio station to broadcast weekly San Francisco Board of Supervisors meetings and to implement the plan for such broadcasts.

*Supervisor Mar requested to be added as a co-sponsor.*

**Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were none.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

**111369 [Settlement of Lawsuit - Linda Iacovetta - $210,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Iacovetta against the City and County of San Francisco for $210,000; the lawsuit was filed on August 4, 2011, in San Francisco Superior Court, Case No. CGC-10-502231; entitled Linda Iacovetta, et al. v. City and County of San Francisco, et al. (City Attorney)

12/12/11; RECEIVED FROM DEPARTMENT.

12/12/11; RECEIVED AND ASSIGNED to Rules Committee.

### 111370 [Settlement of Lawsuit - Metro Fuel, LLC - City to Receive $1,750,000; Approval of Settlement and Relocation Agreement; Waiver of Administrative Code Subsections 2.21(d) and (e)]

Ordinance: 1) authorizing settlement of the lawsuit filed by Metro Fuel against the City and County of San Francisco for payment to the City of $1,750,000; the lawsuit was filed on November 30, 2007, in the United States District Court for the Northern District of California, Case No. C07-6067 PJH; entitled Metro Fuel LLC v. City and County of San Francisco, et al.; other material terms of said settlement include settlement of the City's notices of violation against unpermitted panel signs, setting up a process for approval of the relocation and disaggregation of existing lawful billboards to other locations and payment of settlement following the City's approval of relocation permits for such billboards; 2) approving a Relocation and Settlement Agreement for the relocation of certain existing lawful billboards; and 3) waiving the requirements of San Francisco Administrative Code Subsections 2.21(d) and (e). (City Attorney)

12/23/11; RECEIVED FROM DEPARTMENT.

12/23/11; RECEIVED AND ASSIGNED to Rules Committee.

### 111371 [Administrative Code - Appropriating $19,500,000 of Fund Balance to Support Required Reserves and Creating Special Funds for the CleanPowerSF Program]

Ordinance appropriating $19,500,000 of Hetch Hetchy fund balance at the Public Utilities Commission to support CleanPowerSF Community Choice Aggregation program consistent with the contractual requirements and budgetary authorizations as approved by the San Francisco Public Utilities Commission and the Board of Supervisors and adding Administrative Code Sections 10.100.372 and 10.100.373 to establish the CleanPowerSF Customer Fund and the CleanPowerSF Reserve Fund. (Public Utilities Commission)

12/27/11; RECEIVED FROM DEPARTMENT.

12/27/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 111372 [Settlement of Lawsuit - City to Receive $3,170,000 for Sale of Parcel in San Mateo County]

Ordinance authorizing settlement of a lawsuit filed by San Mateo County Transit District against the City and County of San Francisco and Artichoke Enterprises, Inc., aka Artichoke Joe's; and Does 1 through 50, to condemn and take by right of eminent domain property owned by the City and County of San Francisco located in San Bruno, California, for $3,170,000; the lawsuit was filed April 13, 2010, in San Mateo County Superior Court, Case No. CIV 494013; entitled San Mateo County Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc. aka Artichoke Joe's; and Does 1 through 50, inclusive. (City Attorney)

12/30/11; RECEIVED FROM DEPARTMENT.

12/30/11; RECEIVED AND ASSIGNED to Rules Committee.

### 111373 [Settlement of Lawsuit - City to Pay $238,000 for Subsurface Easement in Alameda County]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100, to condemn and take by right of eminent domain a permanent subsurface easement of approximately 69,609 square feet in property owned by San Mateo County Transit District, located in Newark, California, commonly known as APNs 537-0551-020 and 537-0551-021-01; filed June 3, 2010, in Alameda County Superior Court, Case No. RG 10518243; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100. (City Attorney)

12/30/11; RECEIVED FROM DEPARTMENT.

12/30/11; RECEIVED AND ASSIGNED to Rules Committee.

### 111374 [Planning Code - Creating a New Definition of Student Housing]

**Sponsor: Wiener**

Ordinance amending the San Francisco Planning Code by: 1) adding a new Section 102.36 to create a definition of Student Housing; 2) amending Section 135(d)(2) to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; 3) amending Section 207(b)(3) to exempt Student Housing from the unit mix requirement in RTO, NCT, DTR, and Eastern Neighborhoods Mixed Used Districts; 4) amending Section 307 to permit the conversion of Student Housing into residential uses, when certain conditions are met; 5) amending Section 312 to require notice for a change of use to Group Housing; 6) amending Section 317 to prohibit the conversion of residential units into Student Housing; and 7) amending Section 401 to make conforming amendments and amend the definition of Qualified Student Housing; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

12/15/11; RECEIVED FROM DEPARTMENT.

12/15/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/9/2012.

## PROPOSED RESOLUTIONS

### 111376 [Settlement of Unlitigated Claim - Anita Scott - $200,000]

Resolution approving the settlement of the unlitigated claim filed by Anita Scott against the City and County of San Francisco for $200,000; claim was filed on September 23, 2011. (City Attorney)

12/23/11; RECEIVED FROM DEPARTMENT.

12/23/11; RECEIVED AND ASSIGNED to Rules Committee.

### 111377 [Settlement of Unlitigated Claim - Claire Himmel - $60,000]

Resolution approving the settlement of the unlitigated claim filed by Claire Himmel against the City and County of San Francisco for $60,000; claim was filed on September 26, 2011. (City Attorney)

12/23/11; RECEIVED FROM DEPARTMENT.

12/23/11; RECEIVED AND ASSIGNED to Rules Committee.

### 111378 [Agreement Amendment - Recology - Refuse Collection - Not to Exceed $29,337,527]

Resolution approving the Second Amendment to the Refuse Collection Agreement between the City and County of San Francisco and and Recology San Francisco, Recology Golden Gate, and Recology Sunset Scavenger, increasing the total not to exceed amount of the agreement from $23,537,527 to $29,337,527 under Charter Section 9.118(b).

12/13/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:52 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JAN 27 2012

SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, January 24, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Norton | 2nd and 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbemd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Kim was noted absent. There was a quorum.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Farrell, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of December 6, 2011, and December 13, 2011. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague, Wiener
Absent: 1 - Kim

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendation of the Budget and Finance Committee

**111288 [Waiving the Competitive Bid Requirements and Approving Modified Indemnification Clause for the Design of a Runway Safety Area Engineered Material Arresting System]**

Ordinance waiving the competitive bid requirements of San Francisco Administrative Code Chapter 6, approving a modified indemnification clause pursuant to the requirements of Chapter 6, and authorizing the Airport Commission to award a contract to complete the design of a runway safety area engineered material arresting system. (Airport Commission)
(Fiscal Impact)

FINALLY PASSED

## Recommendations of the Land Use and Economic Development Committee

### 111080 [Zoning Map - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

**Sponsor: Kim**

Ordinance amending the San Francisco Planning Code Sectional Map ZN01 of the Zoning Maps to change the use classification of 676 Howard Street (Block No. 3722, Lot No. 28) from Public (P) to Downtown-Support District (C-3-S) and a portion of 935 Folsom Street (Block No. 3753, Lot No. 140) from Mixed Use-Residential (MUR) to Public (P) as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

**FINALLY PASSED**

### 111213 [Summary Vacation - Hunt Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

**Sponsor: Kim**

Ordinance ordering the summary vacation of Hunt Street as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance.

**FINALLY PASSED**

### 111240 [General Plan Amendment - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

Ordinance amending the San Francisco General Plan Map 2 of the Community Facilities Element as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; and adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague, Wiener
Absent: 1 - Kim

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Budget and Finance Committee

**111190 [Administrative, Police Codes - Prevailing Rate of Wages Under City Contracts for Specified Services]**

**Sponsors: Wiener; Chiu, Campos, Mar, Kim, Cohen and Avalos**

Ordinance amending the San Francisco Administrative Code Sections 21C.2 through 21C.6, and adding Section 21C.7 to: 1) specify the City contracts for services that are subject to the City's prevailing rate of wage requirement (Covered Contracts); 2) consolidate consistent standards for determining and enforcing prevailing rate of wage requirements in all Covered Contracts; 3) provide an employment transition period for workers under successor contracts to all Covered Contracts; 4) provide that all work on Covered Contracts be performed by employees and not independent contractors; and 5) amend the San Francisco Police Code Section 3300C.1 to make conforming changes.

**FINALLY PASSED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Mar, Olague, Wiener
Noes: 1 - Elsbernd
Absent: 1 - Kim

*Supervisor Kim was noted present at 2:11 p.m.*

### From the Budget and Finance Committee Without Recommendation

**111250 [Sale of City Property - Northeast Corner of Fulton and Gough Streets - Boys and Girls Clubs - $2,500,000]**

**Sponsors: Cohen; Chiu, Avalos, Mar and Kim**

Resolution authorizing: 1) the sale of City property at the northeast corner of Fulton Street and Gough Street to the Boys and Girls Clubs of San Francisco for $2,500,000 subject to a declaration of economic covenants and a project use restriction; 2) adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 3) authorizing other actions in furtherance of this Resolution.
(Fiscal Impact)

**Supervisor Olague, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Olague requested to be added as a co-sponsor.*

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111317 [Real Property Lease - Bauer Intelligent Transportation, Inc. - Pier 50]

**Sponsor: Chiu**

Resolution approving Port Commission Lease No. L-15004 with Bauer Intelligent Transportation, Inc., a California Corporation, for certain real property located at Pier 50, Sheds A and C, in the City and County of San Francisco, for a term of ten years.

**Supervisor Chiu, seconded by Supervisor Wiener, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Resolution approving CEQA Findings and Mitigation Monitoring and Reporting Program, and Port Commission Lease No. L-15004 with Bauer Intelligent Transportation, Inc., a California Corporation, for certain real property located at Pier 50, Sheds A and C, in the City and County of San Francisco, for a term of ten years.

**Supervisor Chiu, seconded by Supervisor Chu, moved that this Resolution be CONTINUED AS AMENDED to January 31, 2012, with the Board of Supervisors sitting as a Committee of the Whole. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the City Operations and Neighborhood Services Committee

### 110789 [Liquor License Transfer - 3950-24th Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 6333 Geary Boulevard to 3950-24th Street (District 8) to Roberta L. Lang for Whole Foods Market, California, Inc., dba Whole Foods Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions. (Clerk of the Board)
(Supervisor Mar dissented in Committee.)

**Supervisor Wiener, seconded by Supervisor Mar, moved that this Resolution be TABLED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Land Use and Economic Development Committee

### 111104 [Health Code - Regulating Commercial Dog Walkers on Park Property]

**Sponsor: Wiener**

Ordinance amending the San Francisco Health Code by adding Article 39, Sections 39.01 through 39.13, to license and regulate Commercial Dog Walkers operating on park property.

**Supervisor Wiener, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 7, Line 4, by deleting 'for considerion.' The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Rules Committee

**111050 [Administrative Code - San Francisco Sentencing Commission and Recidivism Reduction Ordinance of 2011]**

**Sponsors: Wiener; Farrell, Cohen and Chiu**

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-3 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers, and duties; and 3) establish membership criteria.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**111208 [Administrative Code - Public Guardian/Public Administrator Gift Fund]**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-190 to create a Public Guardian/Public Administrator Gift Fund to support the operations of the Public Guardian's Office, including needs assessment and conservatorship services for vulnerable persons who are unable to manage their basic personal or financial needs. (Human Services Department)
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**111333 [Appropriating $192,000,000 of Earthquake Safety and Emergency Response General Obligation Bonds to the Department of Public Works in FY2011-2012]**

**Sponsors: Mayor; Chiu, Chu and Cohen**

Ordinance appropriating $192,000,000 of the 2012A Series Earthquake Safety and Emergency Response General Obligation Bond proceeds to the Department of Public Works in FY2011-2012 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster and placing these funds on Controller's Reserve pending the sale of the bonds.

*Supervisors Chiu, Chu, and Cohen requested to be added as co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111344 [Earthquake Safety and Emergency Response General Obligation Bonds Sale - Not to Exceed $192,000,000]

**Sponsors: Mayor; Chiu and Chu**

Resolution authorizing and directing the sale of not to exceed $192,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) Series 2012A; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; declaring the City's intent to reimburse certain expenditures; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

*Supervisor Chu requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111334 [Appropriating $75,009,139 of 2008 Clean and Safe Park Bond to the Recreation and Park Department and Port Commission in FY2011-2012]

**Sponsor: Mayor**

Ordinance appropriating $75,009,139 of 2008 Clean and Safe Park Bond sale proceeds to fund the improvement and construction at various recreation and park facilities, including $61,185,271 in the Recreation and Park Department and $10,394,975 in the Port Commission for FY2011-2012 and placing $7,700,000 on Budget and Finance Committee reserve pending additional review of the project plan by the Budget and Finance Committee.
(Fiscal Impact)

**Supervisor Mar, seconded by Supervisor Chu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 9 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 2 - Avalos, Campos

Ordinance appropriating $75,009,139 of 2008 Clean and Safe Park Bond sale proceeds to fund the improvement and construction at various recreation and park facilities, including $61,185,271 in the Recreation and Park Department and $10,394,975 in the Port Commission for FY2011-2012.

*Supervisor Chu requested to be added as a co-sponsor.*

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111345 [Clean and Safe Neighborhood Parks General Obligation Bonds Sale - Not to Exceed $75,009,139]

**Sponsors: Mayor; Chu**

Resolution authorizing and directing the sale of not to exceed $75,009,139 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008) Series 2012B; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; declaring the City's intent to reimburse certain expenditures; waiving the deadline for submission of bond accountability reports; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

*Supervisor Chu requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Cohen was noted absent at 2:30 p.m. and noted present at 2:40 p.m.*

*Privilege of the floor was granted to Douglas Legg (Department of Public Works) who responded to questions raised throughout the discussion relating to File Nos. 111335, 111343, and 111346.*

### 111335 [Appropriating $76,500,000 of Road Repaving and Street Safety General Obligation Bonds to the Department of Public Works and the Municipal Transportation Agency in FY2011-2012]

**Sponsors: Mayor; Wiener and Chu**

Ordinance appropriating $76,500,000 of the 2012C Series Road Repaving and Street Safety General Obligation Bond proceeds including $71,587,375 to the Department of Public Works and $4,912,625 to the Municipal Transportation Agency for street resurfacing, sidewalk, curb ramp, street structure improvements, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority for FY2011-2012 and placing these funds on Controller's Reserve pending the sale of the bonds.
(Fiscal Impact)

*Supervisor Chu requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111343 [General Obligation Bonds - Road Repaving and Street Safety - Not to Exceed $248,000,000]

**Sponsors: Mayor; Chu**

Resolution providing for the issuance of not to exceed $248,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Road Repaving and Street Safety Bonds, 2011); authorizing the execution, authentication, and registration of said Bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; declaring the City's intent to reimburse certain expenditures; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

*Supervisor Chu requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111346 [Road Repaving and Street Safety General Obligation Bonds Sale - Not to Exceed $76,500,000]

**Sponsors: Mayor; Wiener and Chu**

Resolution authorizing and directing the sale of not to exceed $76,500,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Road Repaving and Street Safety Bonds, 2011) Series 2012C; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; declaring the City's intent to reimburse certain expenditures; adopting certain CEQA findings; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

*Supervisor Chu requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111241 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]

Resolution approving the 36th Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to increase the premises by adding Building 449 located at Avenue C and 4th Street. (Treasure Island Development Authority)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111242 [Sublease Amendment - Swords to Plowshares, Inc. - 1441 and 1443 Chinook Court]

Resolution authorizing the execution of a Second Amendment to Sublease between the Treasure Island Development Authority and Swords to Plowshares, Inc., for premises located at 1441 and 1443 Chinook Court. (Treasure Island Development Authority)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111243 [Sublease Amendment - Haight Ashbury Free Clinics, Walden House - 1440 Chinook Court]

Resolution authorizing the execution of a Third Amendment to Sublease and Consent to Assignment between the Treasure Island Development Authority and Haight Ashbury Free Clinics, Inc., dba Haight Ashbury Free Clinics - Walden House, for premises located at 1440 Chinook Court. (Treasure Island Development Authority)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111342 [Accept and Expend Grant - Intertie Project - $1,098,202]

**Sponsor: Mayor**

Resolution authorizing the San Francisco Public Utilities Commission to retroactively accept and expend a California Department of Public Health administered grant in the amount of $1,098,202 for the San Francisco Public Utilities Commission share of a San Francisco Public Utilities Commission/East Bay Municipal Utility District Intertie Project.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111350 [San Francisco Unified School District General Obligation Bonds - Not to Exceed $531,000,000]

**Sponsor: Kim**

Resolution authorizing the San Francisco Unified School District to issue and sell, on its own behalf, its General Obligation Bonds approved by at least 55% of the voters at the November 8, 2011, election without further action by this Board of Supervisors or any other officer of the City and County of San Francisco; ratifying certain actions previously taken; and granting general authority to City and County of San Francisco officials to take necessary actions in connection with the issuance of the General Obligation Bonds by the San Francisco Unified School District; and providing prior notice to the City and County of San Francisco for the anticipated sale and issuance of any future series of bonds.
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111351 [Accept and Expend Gift - Glen Canyon Park - $483,250]

**Sponsor: Wiener**

Resolution authorizing the Recreation and Parks Department to retroactively accept and expend a gift-in-place valued up to $483,250 from the Trust for Public Land for the Glen Canyon Park Improvement Plan and the related outreach process.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120021 [Transfer of Assets, Obligations, and Functions to the City as Successor Agency for the Redevelopment Agency Upon its Dissolution as Required by State Law]**

**Sponsors: Mayor; Cohen, Kim, Olague and Chu**

Resolution: 1) approving the retention by the City and County of San Francisco (the City) as successor agency to the Redevelopment Agency of the City and County of San Francisco (the Agency) of the Agency's affordable housing assets and functions upon the Agency's dissolution, including all funds in the Agency's Low and Moderate Income Housing Fund, and authorizing the Mayor's Office of Housing to manage these affordable housing assets and to exercise the housing functions that the Agency previously performed; 2) acknowledging that upon the Agency's dissolution the City as successor agency shall accept the transfer of all of the Agency's non-affordable housing assets, which shall be placed under the jurisdiction of the Director of the Department of Administrative Services unless otherwise provided for in the Charter, and that the Director shall have the authority to manage such assets and to exercise the functions that the Agency previously performed for such assets; 3) providing for the required payment and performance of enforceable obligations, the transfer and establishment of funds and accounts, and for the administration of funds and other assets, all associated with the City's exercise of its responsibilities as successor agency to the Agency under state law; 4) authorizing the new Oversight Board, which state law requires the City as successor agency to create, to oversee certain fiscal management of former Agency assets other than affordable housing assets, to exercise land use, development, and design approval authority under the enforceable obligations for the Mission Bay Redevelopment Project Area, Hunters Point Shipyard Project Area, and Zone 1 of the Bayview Hunters Point Redevelopment Project Area, and part of the Transbay Redevelopment Project Area, in place of the former Agency Commission, authorizing the Oversight Board to approve certain changes to such obligations, related documents and certain new agreements to implement those enforceable agreements, including review and approval for issuing bonds under such agreements, and authorizing the Director of the Department of Administrative Services to provide coordinated staff support to the Oversight Board, in the place of staff of the former Agency, in the exercise of these functions; 5) rescinding the designation of the Treasure Island Development Authority as a Redevelopment Agency; and 6) making findings under the California Environmental Quality Act.
(Fiscal Impact)

*Supervisor Chu requested to be added as a co-sponsor.*

*Supervisor Cohen, seconded by Supervisor Kim, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Cohen, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Cohen, seconded by Supervisor Chu, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## From the Budget and Finance Committee Without Recommendation

**111332 [Appropriating $4,442,514 of Fund Balance and Interest Earnings from the Sale of the Watermark Land and Condominiums to the Port Commission in FY2011-2012]**

**Sponsor: Mayor**

Ordinance appropriating $4,442,514 consisting of $3,709,630 in fund balance and $732,884 in interest earnings from the sale of the Watermark Land and Condominiums to the Port Commission in FY2011-2012 to be used for the development of the Brannan Street Wharf and the Mixed-Use Cruise Terminal at Pier 27 and placing $614,000 on Controller's Reserve pending receipt of the projected interest earnings.
(Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Government Audit and Oversight Committee

**111067 [Administrative Code - Updating Job Classifications and Bargaining Units]**

Ordinance amending the San Francisco Administrative Code Sections 16.200 through 16.222 to reflect changes in job classifications. (Human Resources Department)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Land Use and Economic Development Committee

**111285 [Changing the Official Sidewalk Width - Portion of Mason Street]**

**Sponsor: Chiu**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width of Mason Street starting at the southwest corner of the intersection of Mason Street and Washington Street and continuing south 29.52 feet; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

*Supervisor Chiu requested to be added as sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

### Privilege of the Floor

**Supervisor Cohen, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to airmen from the William "Bill" Campbell Chapter of the Tuskegee Airmen in recognition of their service, accomplishments, and continued community support.*

## SPECIAL ORDER 4:00 P.M.

### Supervisor Olague Excused from Voting

**Supervisor Farrell, seconded by Supervisor Campos, moved that Supervisor Olague be excused from voting on File Nos. 111358, 111359, 111360, and 111361. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 111358 [Public Hearing - Appeal of a Final Environmental Impact Report - 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Hearing of persons interested in or objecting to the Planning Commission's decision, dated December 15, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2010.0493E, for a proposed project involving America's Cup Sailing Races in the Summer/Fall of 2012 and 2013, including various waterfront venues, and a proposed project involving construction of the James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29. (District 3) (Appellants: Keith G. Wagner on behalf of San Francisco Tomorrow, Golden Gate Audubon Society, Waterfront Watch, and Telegraph Hill Dwellers, Filed December 19, 2011; Rebecca Evans on behalf of the San Francisco Group of the Sierra Club, Filed January 4, 2012). (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board. Tom Lippe (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Jennifer Clary; Lisa Tracy; Mark Welther; Ruben Hechianova; Chris Bruno; Diane Walton; Bill Wygant; Ken Coren; Cathy Bump; Jeff Russell; Deb Self; Terri Shore; Yoko Kai; Stan Heynsky; Seth Ketzman; Tony Kelly; Andrew Wood; Female Speaker; Gil Guchita; Hunter Cutting; former Supervisor Aaron Peskin; spoke in support of the appeal. Joy Navarette, Bill Wycko, and Chris Kern (Planning Department), Kate Stacy (City Attorney's Office), Kelley Capone and Brad Benson (Port), David Rio and Joy Shalt (Consultants), provided an overview of the decision of the Planning Commission and responded to questions raised throughout the discussion. Mike Martin (Office of Economic and Workforce Development), Brad Benson (Port), Monique Moyer, Port Executive Director, and Mary Murphy (Event Authority), speaking as Project Sponsors, provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Peter Stoneberg; John Super; Liz; John Arndt; Male Speaker; Peter Olnay; Mike Villeggiante; Jason Santana; Kevin Berry; Norman Pearce; Jim Lazarus; George Broder; Veronica Sanchez; Dale Carlson; Paul Kaplan; Paul Oliva; Cristina Rubkl; John Sindery; Sam Manning; John Platt; spoke in support of the project and in opposition to the appeal. Tom Lippe (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AND FILED**

### 111359 [Affirming Certification of Final Environmental Impact Report - 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29. (Clerk of the Board)

**Supervisor Chiu, seconded by Supervisor Farrell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

**Motion No.** M12-011

**Supervisor Cohen, seconded by Supervisor Chiu, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 111360 [Reversing Certification of Final Environmental Impact Report - 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29. (Clerk of the Board)

**Supervisor Cohen, seconded by Supervisor Chiu, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 111361 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29.

**Supervisor Cohen, seconded by Supervisor Chiu, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

*Supervisor Olague was noted present at 8:13 p.m.*

## COMMITTEE REPORTS

### Recommendations of the Rules Committee

### Supervisor Mar Excused from Voting

**Supervisor Avalos, seconded by Supervisor Campos, moved that Supervisor Mar be excused from voting on File No. 120004. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Excused: 1 - Mar

### 120004 [Appointment, San Francisco LAFCo - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, as an alternate member, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

**Motion No.** M12-010

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Excused: 1 - Mar

**120023 [Appointments, Redevelopment Successor Agency Oversight Board - Nadia Sesay, Olson Lee, John Rahaim, and Bob Muscat]**

**Sponsor: Mayor**

Motion confirming the Mayor's appointments of Nadia Sesay, Olson Lee, John Rahaim, and Bob Muscat to the Redevelopment Successor Agency Oversight Board.

*Supervisor Cohen, seconded by Supervisor Kim, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Cohen, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Cohen, seconded by Supervisor Chu, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**Motion No.** M12-009

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Land Use and Economic Development Committee

**111078 [Planning Code and Zoning Map Amendments - India Basin Industrial Park]**

**Sponsor: Cohen**

Ordinance amending the San Francisco Planning Code Section 249.42 to: 1) allow outpatient medical care clinics; 2) amend Zoning Map Sheet 8 SU of the San Francisco Planning Code to add parcels in Assessor's Block No. 5211, Lot Nos. 29 through 54 to the India Basin Special Use District and remove the parcel in Assessor's Block No. 5211, Lot No. 28 from the Design and Development Special Use District and add it to the India Basin Special Use District; and 3) make environmental findings and findings of consistency with general plan.

*This item was not sent as a Committee Report.*

# ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Ray Hartz; expressed concerns relating to government.*
*Gerald Banks; expressed various concerns.*
*Male Speaker; expressed various religious concerns.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Eugene Gordon, Jr.; expressed various concerns.*
*Barbara Tengeri; expressed various concerns.*
*Francisco Da Costa, expressed various concerns.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Ace Washington; expressed various concerns relating to ranked choice voting.*
*Douglas Yep; expressed various concerns.*
*Jackkee Bryson; expressed various concerns.*
*Diane Wesley-Smith; expressed various concerns relating to the Bayview community.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120024 [Financial Aid Awareness Week - January 16-22, 2012]

**Sponsors: Campos; Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener**

Resolution proclaiming January 16 through January 22, 2012, as Financial Aid Awareness Week in the City and County of San Francisco.

**ADOPTED**

### 120026 [Accept and Expend Grant - State Boating and Safety Enforcement - $73,000]

**Sponsor: Chiu**

Resolution authorizing the Police Department to retroactively accept and expend a California State Department of Boating and Waterways grant in the amount of $73,000 for a Boating Safety and Enforcement grant to purchase equipment for the Marine Unit.

**ADOPTED**

### 120034 [Final Map 5565: 421 Arguello Boulevard]

Motion approving Final Map 5565, an Eight Unit Residential Condominium Project, located at 421 Arguello Boulevard, being a subdivision of Assessor's Block No. 1433, Lot No. 003; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

**Motion No.** M12-012

**APPROVED**

### 120035 [Final Map 6460: 19 Tehama Street]

Motion approving Final Map 6460, a Four Unit Residential and One Unit Commercial Mixed-Use Condominium Project, located at 19 Tehama Street, being a subdivision of Assessor's Block No. 3736, Lot No. 079; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

**Motion No.** M12-013

APPROVED

### 120036 [Final Map 6892: 411-415 Valencia Street]

Motion approving Final Map 6892, a 16 Unit Residential and Two Unit Commercial Mixed-Use Condominium Project, located at 411-415 Valencia Street, being a subdivision of Assessors Block No. 3554, Lot No. 027; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

**Motion No.** M12-014

APPROVED

### 120037 [Final Map 5773: 1501, 1503, 1513 and 1515 Waller Street; 701 and 703 Clayton Street]

Motion approving Final Map 5773, a Four Unit Residential and Two Unit Commercial Unit, Mixed-Use Condominium Project, located at 1501, 1503, 1513, and 1515 Waller Street; 701 and 703 Clayton Street; being a subdivision of Assessors Block No. 1253, Lot No. 001; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

**Motion No.** M12-015

APPROVED

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Farrell requested that File Nos. 120025 and 120027 be severed so that they may be considered separately.*

### 120025 [Opposing the United States Supreme Court's Decision in Citizens United and Supporting Related United States Constitutional Amendment]

**Sponsors: Chiu; Cohen, Wiener and Olague**

Resolution opposing the United States Supreme Court's interpretation of the Constitution in Citizens United regarding the rights of corporations and supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections of natural persons.

**Supervisor Farrell, seconded by Supervisor Chu, moved that this Resolution be CONTINUED to January 31, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120027 [Original Joe's Day - January 26, 2012]

**Sponsors: Farrell; Elsbernd, Chiu, Kim, Chu and Campos**

Resolution recognizing Original Joe's as a staple of San Francisco's history and tradition and proclaiming January 26, 2012, as Original Joe's Day in the City and County of San Francisco.

*Supervisors Chu and Campos requested to be added as co-sponsors.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Elsbernd requested that File No. 120028 be severed so that it may be considered separately.*

### 120028 [Urging the National Academy of Arts and Sciences Reinstate 31 Categories of Music for GRAMMY Consideration]

**Sponsor: Mar**

Resolution urging the reinstatement of the 31 categories of music that were eliminated by the National Academy of Arts and Sciences for GRAMMY consideration on April 6, 2011.

**Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to January 31, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were none.*

# LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCE

### 120003 [Mission Bay South - Blocks 2-7 and 13 Phase I Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 2-7 and 13 Phase I including acquisition facilities on portions of Fourth Street, Mission Rock Street, China Basin Street, Mission Bay Boulevard North, and Mission Bay Boulevard South; accepting additional property on portions of Fourth Street, Mission Rock Street, and China Basin Street; declaring City property and additional property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance.

01/05/12; RECEIVED FROM DEPARTMENT.

01/05/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## PROPOSED RESOLUTIONS

### 120002 [Accept and Expend Gift - Mayor's Fund for the Homeless]

Resolution accepting bequest by the late Leila Boroughs, authorizing its expenditure by the Mayor's fund for the homeless for the purpose of assisting San Francisco's homeless and extending appreciation to Ms. Boroughs for her gift. (Human Services Department)

01/03/12; RECEIVED FROM DEPARTMENT.

01/03/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120038 [Real Property Lease - Sheriff's Department - 1740 Folsom Street]

Resolution authorizing the exercise of a five year option to extend the lease of approximately 18,682 square feet of space at 1740 Folsom Street for the Sheriff's Department with Mark Nelson Development and New California Land Company. (Real Estate Department)

01/09/12; RECEIVED FROM DEPARTMENT.

01/09/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120039 [Lease, Sublease and Transfer Agreement Amendment - Court Facility - 575 Polk Street]

Resolution: 1) approving a lease of approximately 9,000 square feet at 575 Polk Street with the Mattison Family Trust for an initial base rent of $25,597 per month; 2) a sublease of 575 Polk Street premises with the State of California, Judicial Council of California - Administrative Office of the Courts for use by the San Francisco Superior Court; 3) an amendment to the transfer agreement for the court facility at 575 Polk Street; and 4) authorizing other actions in furtherance of this Resolution. (Real Estate Department)

01/11/12; RECEIVED FROM DEPARTMENT.

01/11/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120040 [Real Property Lease Expansion - Mattison Family Trust - 555 Polk Street]

Resolution: 1) approving the exercise of a lease expansion of approximately 9,000 square feet at 555 Polk Street with the Mattison Family Trust at a base rent of $16,100 per month, for use by the Department of Public Health as a Community Justice Center, and 2) authorizing other actions in furtherance of this Resolution. (Real Estate Department)

01/11/12; RECEIVED FROM DEPARTMENT.

01/11/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120041 [Agreement - Architectural and Engineering Design Services - 525 Golden Gate Avenue - Not to Exceed $14,414,758]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to Architectural and Engineering Design Services Agreement No. CS-842 for the new San Francisco Public Utilities Commission administration building project located at 525 Golden Gate Avenue increasing the agreement not-to-exceed amount to $14,414,758 pursuant to Charter Section 9.118. (Public Utilities Commission)

01/13/12; RECEIVED FROM DEPARTMENT.

01/13/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 8:20 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

**Tuesday, January 31, 2012 - 2:00 PM**

GOVERNMENT
DOCUMENTS DEPT

FEB - 3 2012

SAN FRANCISCO
PUBLIC LIBRARY

90
69
1/31/12

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| **Committee Membership** | **Meeting Days** |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>1:00 PM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 2nd and 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:17 p.m. On the call of the roll, Supervisor Olague was noted absent. There was a quorum.*

*Supervisor Olague was noted present at 2:18 p.m..*

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

**111208 [Administrative Code - Public Guardian/Public Administrator Gift Fund]**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-190 to create a Public Guardian/Public Administrator Gift Fund to support the operations of the Public Guardian's Office, including needs assessment and conservatorship services for vulnerable persons who are unable to manage their basic personal or financial needs. (Human Services Department)
(Fiscal Impact)

**FINALLY PASSED**

**111333 [Appropriating $192,000,000 of Earthquake Safety and Emergency Response General Obligation Bonds to the Department of Public Works in FY2011-2012]**

**Sponsors: Mayor; Chiu, Chu and Cohen**

Ordinance appropriating $192,000,000 of the 2012A Series Earthquake Safety and Emergency Response General Obligation Bond proceeds to the Department of Public Works in FY2011-2012 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster and placing these funds on Controller's Reserve pending the sale of the bonds.

**FINALLY PASSED**

### 111335 [Appropriating $76,500,000 of Road Repaving and Street Safety General Obligation Bonds to the Department of Public Works and the Municipal Transportation Agency in FY2011-2012]

**Sponsors: Mayor; Wiener and Chu**

Ordinance appropriating $76,500,000 of the 2012C Series Road Repaving and Street Safety General Obligation Bond proceeds including $71,587,375 to the Department of Public Works and $4,912,625 to the Municipal Transportation Agency for street resurfacing, sidewalk, curb ramp, street structure improvements, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority for FY2011-2012 and placing these funds on Controller's Reserve pending the sale of the bonds.

FINALLY PASSED

## Recommendations of the City Operations and Neighborhood Services Committee

### 111134 [Liquor License - 440 Mission Street]

Resolution determining that the issuance of a Type 40 on-sale beer license to Mark E. Rennie for Bar Downtown, LLC., dba Craft, located at 440 Mission Street (District 6), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

### 111260 [Liquor License - 701 Mission Street]

Resolution determining that the issuance of a Type 64 Special On-Sale General Theater liquor license, to Jeanette Carvajal for the Yerba Buena Center for the Arts, located at 701 Mission Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

## Recommendation of the Government Audit and Oversight Committee

### 111067 [Administrative Code - Updating Job Classifications and Bargaining Units]

Ordinance amending the San Francisco Administrative Code Sections 16.200 through 16.222 to reflect changes in job classifications. (Human Resources Department)

FINALLY PASSED

## Recommendation of the Land Use and Economic Development Committee

### 111285 [Changing the Official Sidewalk Width - Portion of Mason Street]

**Sponsor: Chiu**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width of Mason Street starting at the southwest corner of the intersection of Mason Street and Washington Street and continuing south 29.52 feet; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

**FINALLY PASSED**

## Recommendations of the Rules Committee

### 111298 [Settlement of Lawsuit - Mary Jenn - $72,500]

Ordinance authorizing settlement of the lawsuit filed by Mary Jenn against the City and County of San Francisco for $72,500; the lawsuit was filed on November 12, 2010, in San Francisco County Superior Court, Case No. CGC-10-505363; entitled Mary Jenn v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

### 111299 [Settlement of Lawsuit - DeWolf Realty Company, Inc. - $91,000]

Ordinance authorizing settlement of the lawsuit filed by DeWolf Realty Company, Inc., Gordon Pederson, and Chubb Custom Insurance Company against the City and County of San Francisco for $91,000; the lawsuit was filed on July 19, 2010, in San Francisco Superior Court, Case No. CGC-10-501664; entitled DeWolf Realty Company, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

### 111369 [Settlement of Lawsuit - Linda Iacovetta - $210,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Iacovetta against the City and County of San Francisco for $210,000; the lawsuit was filed on August 4, 2011, in San Francisco Superior Court, Case No. CGC-10-502231; entitled Linda Iacovetta, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

### 111370 [Settlement of Lawsuit - Metro Fuel, LLC - City to Receive $1,750,000; Approval of Settlement and Relocation Agreement; Waiver of Administrative Code Subsections 2.21(d) and (e)]

Ordinance: 1) authorizing settlement of the lawsuit filed by Metro Fuel against the City and County of San Francisco for payment to the City of $1,750,000; the lawsuit was filed on November 30, 2007, in the United States District Court for the Northern District of California, Case No. C07-6067 PJH; entitled Metro Fuel, LLC v. City and County of San Francisco, et al.; other material terms of said settlement include settlement of the City's notices of violation against unpermitted panel signs, setting up a process for approval of the relocation and disaggregation of existing lawful billboards to other locations and payment of settlement following the City's approval of relocation permits for such billboards; 2) approving a Relocation and Settlement Agreement for the relocation of certain existing lawful billboards; and 3) waiving the requirements of San Francisco Administrative Code Subsections 2.21(d) and (e). (City Attorney)

**PASSED, ON FIRST READING**

### 111372 [Settlement of Lawsuit - City to Receive $3,170,000 for Sale of Parcel in San Mateo County]

Ordinance authorizing settlement of a lawsuit filed by San Mateo County Transit District against the City and County of San Francisco and Artichoke Enterprises, Inc., aka Artichoke Joe's; and Does 1 through 50, to condemn and take by right of eminent domain property owned by the City and County of San Francisco located in San Bruno, California, for $3,170,000; the lawsuit was filed April 13, 2010, in San Mateo County Superior Court, Case No. CIV 494013; entitled San Mateo County Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc. aka Artichoke Joe's; and Does 1 through 50, inclusive. (City Attorney)

**PASSED, ON FIRST READING**

### 111373 [Settlement of Lawsuit - City to Pay $238,000 for Subsurface Easement in Alameda County]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100, to condemn and take by right of eminent domain a permanent subsurface easement of approximately 69,609 square feet in property owned by San Mateo County Transit District, located in Newark, California, commonly known as APNs 537-0551-020 and 537-0551-021-01; filed June 3, 2010, in Alameda County Superior Court, Case No. RG 10518243; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100. (City Attorney)

**PASSED, ON FIRST READING**

### 111301 [Settlement of Case - George and Vickie Bourdouris and Capital Insurance Group - $67,205.32]

Resolution approving the proposed settlement of the case of George and Vickie Bourdouris and Capital Insurance Group vs. the City and County of San Francisco for $67,205.32, Unlitigated Claim No. 11-00689. (City Attorney)

**ADOPTED**

**111303 [Settlement of Unlitigated Claim - M/T Dubai Star/South Harmony Shipping - City to Receive $65,000]**

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against M/T Dubai Star/South Harmony Shipping, Inc. for $65,000; claim was presented by the City on July 28, 2010. (City Attorney)

ADOPTED

**111376 [Settlement of Unlitigated Claim - Anita Scott - $200,000]**

Resolution approving the settlement of the unlitigated claim filed by Anita Scott against the City and County of San Francisco for $200,000; claim was filed on September 23, 2011. (City Attorney)

ADOPTED

**111377 [Settlement of Unlitigated Claim - Claire Himmel - $60,000]**

Resolution approving the settlement of the unlitigated claim filed by Claire Himmel against the City and County of San Francisco for $60,000; claim was filed on September 26, 2011. (City Attorney)

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Budget and Finance Committee

**111334 [Appropriating $75,009,139 of 2008 Clean and Safe Park Bond to the Recreation and Park Department and Port Commission in FY2011-2012]**

**Sponsors: Mayor; Chu**

Ordinance appropriating $75,009,139 of 2008 Clean and Safe Park Bond sale proceeds to fund the improvement and construction at various recreation and park facilities, including $61,185,271 in the Recreation and Park Department and $10,394,975 in the Port Commission for FY2011-2012. (Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## From the Budget and Finance Committee Without Recommendation

### 111332 [Appropriating $4,442,514 of Fund Balance and Interest Earnings from the Sale of the Watermark Land and Condominiums to the Port Commission in FY2011-2012]

**Sponsor: Mayor**

Ordinance appropriating $4,442,514 consisting of $3,709,630 in fund balance and $732,884 in interest earnings from the sale of the Watermark Land and Condominiums to the Port Commission in FY2011-2012 to be used for the development of the Brannan Street Wharf and the Mixed-Use Cruise Terminal at Pier 27 and placing $614,000 on Controller's Reserve pending receipt of the projected interest earnings.
(Fiscal Impact)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Land Use and Economic Development Committee

### 111104 [Health Code - Regulating Commercial Dog Walkers on Park Property]

**Sponsor: Wiener**

Ordinance amending the San Francisco Health Code by adding Article 39, Sections 39.01 through 39.13, to license and regulate Commercial Dog Walkers operating on park property.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

### 120018 [Re-Appropriating $1,574,127 of General Fund Reserves for State Revenue Loss to Support HIV/AIDS Programs at the Department of Public Health, FY2011-2012]

**Sponsors: Mayor; Wiener, Campos and Olague**

Ordinance re-appropriating $1,574,127 of General Fund reserves for State revenue loss to backfill federal funding reductions to HIV/AIDS programs at the Department of Public Health in FY2011-2012.
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120019 [Accept and Expend Grant - Legal Educational Advocacy Program and Amendment to the Annual Salary Ordinance, FY2011-2012 - $231,147]

**Sponsor: Campos**

Ordinance authorizing the San Francisco Public Defender's Office to retroactively accept and expend a grant in the amount of $231,147 from the Correction Standards Authority for the purpose of establishing a Legal Educational Advocacy Program; and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012) to reflect the addition of one Class 8177 Trial Attorney grant-funded position (0.50 FTE) at the San Francisco Public Defender's Office.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Land Use and Economic Development Committee

### 111248 [Regulations for Jane Warner and Harvey Milk Plazas]

**Sponsor: Wiener**

Ordinance: 1) approving regulations for Jane Warner Plaza at the intersection of Castro and 17th Streets and Harvey Milk Plaza adjacent to the intersection of Castro and Market Streets; and 2) authorizing official acts in connection with the regulations.
(Supervisor Mar dissented in Committee.)

**Supervisor Wiener, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**Supervisor Chiu, seconded by Supervisor Mar, moved that this Ordinance be AMENDED by deleting reference to 'Section G. Wheeled Equipment Prohibited' on Page 3, Line 24, through Page 4, Line 9. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague
Noes: 4 - Chu, Elsbernd, Farrell, Wiener

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Olague

## Recommendations of the Rules Committee

## Supervisor Mar Excused from Voting

**Supervisor Campos, seconded by Supervisor Cohen, moved that Supervisor Mar be excused from voting on File No. 120009. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Excused: 1 - Mar

### 120009 [Appointment, California State Association of Counties - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending November 28, 2012, to the California State Association of Counties. (Clerk of the Board)

**Motion No.** M12-016

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Excused: 1 - Mar

### 120010 [Appointment, Board of Appeals - Richard Hillis]

Motion approving the Mayor's appointment of Richard Hillis to the Board of Appeals, for the term ending July 1, 2012. (Mayor)
(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 12/14/11.)

**Motion No.** M12-017

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Supervisor Chu Excused from Voting

**Supervisor Cohen, seconded by Supervisor Farrell, moved that Supervisor Chu be excused from voting on File No. 120013. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Chu

### 120013 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Carmen Chu]

Motion appointing Supervisor Carmen Chu, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

**Motion No.** M12-018

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Chu

# SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**120063 [Hearing - Real Property Lease - Bauer Intelligent Transportation, Inc. - Pier 50]**
**Sponsor: Chiu**

Hearing of persons interested in or objecting to amendments to the proposed Resolution approving CEQA Findings and Mitigation Monitoring and Reporting Program, and Port Commission Lease No. L-15004 with Bauer Intelligent Transportation, Inc., a California Corporation, for certain real property located at Pier 50, Sheds A and C, in the City and County of San Francisco, for a term of ten years.

*The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 111317. Jay Edwards (Port of San Francisco) provided an overview of the amendments to the proposed lease. Walter Paulson; expressed various concerns relating to the amendments to the proposed lease. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**Supervisor Mar, seconded by Supervisor Kim, moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Committee of the Whole Adjourn and Report

### From the Budget and Finance Committee Without Recommendation

### From the Board

**111317 [Real Property Lease - Bauer Intelligent Transportation, Inc. - Pier 50]**
**Sponsor: Chiu**

Resolution approving CEQA Findings and Mitigation Monitoring and Reporting Program, and Port Commission Lease No. L-15004 with Bauer Intelligent Transportation, Inc., a California Corporation, for certain real property located at Pier 50, Sheds A and C, in the City and County of San Francisco, for a term of ten years.
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

*There were none.*

# COMMITTEE REPORTS

## Recommendation of the Land Use and Economic Development Committee

### 111078 [Planning Code and Zoning Map Amendments - India Basin Industrial Park]

**Sponsor: Cohen**

Ordinance: 1) amending the San Francisco Planning Code Section 249.42 to allow outpatient medical care clinics; 2) amending the San Francisco Planning Code Zoning Map Sheet 8 SU to add parcels in Assessor's Block No. 5211, Lot Nos. 29 through 54 to the India Basin Special Use District, and remove the parcel in Assessor's Block No. 5211, Lot No. 28 from the Design and Development Special Use District and add it to the India Basin Special Use District; and 3) making environmental findings and findings of consistency with general plan.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

# PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Wilma Roberts; expressed various concerns relating to appointments.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*William Lee (NACA); spoke regarding an upcoming mortgage seminar.*
*Male Speaker; expressed various concerns relating to ranked choice voting.*
*John Caldera; expressed various concerns relating to homeless veterans.*
*Ace Washington; expressed various concerns.*
*Ray Hartz; expressed concerns relating to government.*
*Male Speaker; expressed various concerns relating to Tenderloin neighborhood.*
*Male Speaker; expressed various religious concerns.*
*Edmund Juicy; expressed various concerns.*

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120052 [Approval of a 90-Day Extension for Planning Commission Review of Rezoning of 1111 Eighth Street (File No. 111278)]

**Sponsor: Cohen**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 111278) amending the Planning Code by amending Sectional Map SU08 of the Zoning Map of the City and County of San Francisco and adding Planning Code Section 249.66 to: 1) establish the Art and Design Educational Special Use District at 1111 Eighth Street to facilitate the continued operation of the California College of the Arts and provide a regulatory scheme for a potential future phased expansion of the campus; and 2) making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

### 120053 [Supporting President Barack Obama's Summer Jobs+ Plan and Recommending Similar Plan]

**Sponsor: Elsbernd**

Resolution supporting President Barack Obama's Summer Jobs+ plan and recommending the development of a similar plan for youth in San Francisco.

ADOPTED

### 120054 [Supporting the California Cancer Research Act]

**Sponsor: Mar**

Resolution supporting the California Cancer Research Act.

ADOPTED

### 120055 [Authorization to Apply for Strategic Growth Council Sustainable Communities Planning Grant]

**Sponsor: Mayor**

Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to implement the Strengthening Neighborhoods Program.

ADOPTED

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Chiu requested that File No. 120025 be severed so that it may be considered separately.*

**120025 [Opposing the United States Supreme Court's Decision in Citizens United and Supporting Related United States Constitutional Amendment]**

**Sponsors: Chiu; Cohen, Wiener, Olague, Kim, Mar, Avalos and Campos**

Resolution opposing the United States Supreme Court's interpretation of the Constitution in Citizens United regarding the rights of corporations and supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections of natural persons.

*Supervisors Kim, Mar, Avalos, and Campos requested to be added as co-sponsors.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Elsbernd requested that File No. 120028 be severed so that it may be considered separately.*

**120028 [Urging the National Academy of Arts and Sciences Reinstate 31 Categories of Music for GRAMMY Consideration]**

**Sponsor: Mar**

Resolution urging the reinstatement of the 31 categories of music that were eliminated by the National Academy of Arts and Sciences for GRAMMY consideration on April 6, 2011.

**Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Resolution be TABLED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# IMPERATIVE AGENDA

*There were none.*

# LEGISLATION INTRODUCED AT ROLL CALL

*In process.*

# ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:10 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
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FEB 13 2012

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**Tuesday, February 7, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>1:00 PM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 2nd and 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:12 p.m. On the call of the roll, Supervisor Campos was noted absent. There was a quorum.*

### Supervisor Campos Excused from Voting

**Supervisor Avalos, seconded by Supervisor Mar, moved that Supervisor Campos be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

**120018 [Re-Appropriating $1,574,127 of General Fund Reserves for State Revenue Loss to Support HIV/AIDS Programs at the Department of Public Health, FY2011-2012]**

**Sponsors: Mayor; Wiener, Campos and Olague**

Ordinance re-appropriating $1,574,127 of General Fund reserves for State revenue loss to backfill federal funding reductions to HIV/AIDS programs at the Department of Public Health in FY2011-2012.
(Fiscal Impact)

FINALLY PASSED

### 120019 [Accept and Expend Grant - Legal Educational Advocacy Program and Amendment to the Annual Salary Ordinance, FY2011-2012 - $231,147]

**Sponsor: Campos**

Ordinance authorizing the San Francisco Public Defender's Office to retroactively accept and expend a grant in the amount of $231,147 from the Correction Standards Authority for the purpose of establishing a Legal Educational Advocacy Program; and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012) to reflect the addition of one Class 8177 Trial Attorney grant-funded position (0.50 FTE) at the San Francisco Public Defender's Office.

FINALLY PASSED

## Recommendation of the Land Use and Economic Development Committee

### 111078 [Planning Code and Zoning Map Amendments - India Basin Industrial Park]

**Sponsor: Cohen**

Ordinance: 1) amending the San Francisco Planning Code Section 249.42 to allow outpatient medical care clinics; 2) amending the San Francisco Planning Code Zoning Map Sheet 8 SU to add parcels in Assessor's Block No. 5211, Lot Nos. 29 through 54 to the India Basin Special Use District, and remove the parcel in Assessor's Block No. 5211, Lot No. 28 from the Design and Development Special Use District and add it to the India Basin Special Use District; and 3) making environmental findings and findings of consistency with general plan.

FINALLY PASSED

## Recommendations of the Rules Committee

### 111298 [Settlement of Lawsuit - Mary Jenn - $72,500]

Ordinance authorizing settlement of the lawsuit filed by Mary Jenn against the City and County of San Francisco for $72,500; the lawsuit was filed on November 12, 2010, in San Francisco County Superior Court, Case No. CGC-10-505363; entitled Mary Jenn v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

### 111299 [Settlement of Lawsuit - DeWolf Realty Company, Inc. - $91,000]

Ordinance authorizing settlement of the lawsuit filed by DeWolf Realty Company, Inc., Gordon Pederson, and Chubb Custom Insurance Company against the City and County of San Francisco for $91,000; the lawsuit was filed on July 19, 2010, in San Francisco Superior Court, Case No. CGC-10-501664; entitled DeWolf Realty Company, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

### 111369 [Settlement of Lawsuit - Linda Iacovetta - $210,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Iacovetta against the City and County of San Francisco for $210,000; the lawsuit was filed on August 4, 2011, in San Francisco Superior Court, Case No. CGC-10-502231; entitled Linda Iacovetta, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

### 111370 [Settlement of Lawsuit - Metro Fuel, LLC - City to Receive $1,750,000; Approval of Settlement and Relocation Agreement; Waiver of Administrative Code Subsections 2.21(d) and (e)]

Ordinance: 1) authorizing settlement of the lawsuit filed by Metro Fuel against the City and County of San Francisco for payment to the City of $1,750,000; the lawsuit was filed on November 30, 2007, in the United States District Court for the Northern District of California, Case No. C07-6067 PJH; entitled Metro Fuel, LLC v. City and County of San Francisco, et al.; other material terms of said settlement include settlement of the City's notices of violation against unpermitted panel signs, setting up a process for approval of the relocation and disaggregation of existing lawful billboards to other locations and payment of settlement following the City's approval of relocation permits for such billboards; 2) approving a Relocation and Settlement Agreement for the relocation of certain existing lawful billboards; and 3) waiving the requirements of San Francisco Administrative Code Subsections 2.21(d) and (e). (City Attorney)

FINALLY PASSED

### 111372 [Settlement of Lawsuit - City to Receive $3,170,000 for Sale of Parcel in San Mateo County]

Ordinance authorizing settlement of a lawsuit filed by San Mateo County Transit District against the City and County of San Francisco and Artichoke Enterprises, Inc., aka Artichoke Joe's; and Does 1 through 50, to condemn and take by right of eminent domain property owned by the City and County of San Francisco located in San Bruno, California, for $3,170,000; the lawsuit was filed April 13, 2010, in San Mateo County Superior Court, Case No. CIV 494013; entitled San Mateo County Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc. aka Artichoke Joe's; and Does 1 through 50, inclusive. (City Attorney)

FINALLY PASSED

### 111373 [Settlement of Lawsuit - City to Pay $238,000 for Subsurface Easement in Alameda County]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100, to condemn and take by right of eminent domain a permanent subsurface easement of approximately 69,609 square feet in property owned by San Mateo County Transit District, located in Newark, California, commonly known as APNs 537-0551-020 and 537-0551-021-01; filed June 3, 2010, in Alameda County Superior Court, Case No. RG 10518243; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendation of the City Operations and Neighborhood Services Committee

### 101055 [Environment Code - Checkout Bags and Checkout Bag Charge]

**Sponsors: Olague; Avalos and Campos**

Ordinance amending the San Francisco Environment Code by: 1) amending Section 1702 to extend the restrictions on checkout bags from supermarkets and chain pharmacies to all retail establishments and food establishments in the City and County of San Francisco, and clarify terms; 2) adding Section 1703.5 to require stores to add a checkout bag charge of 10 cents, if they provide a customer with a checkout bag; 3) setting an operative date of October 1, 2012; and 4) making environmental findings.

(Economic Impact)

*Privilege of the floor was granted to Melanie Nutter, Director, Department of Environment, who provided an overview and responded to questions raised throughout the discussion.*

**Supervisor Chiu, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

## Recommendation of the Land Use and Economic Development Committee

### 111248 [Regulations for Jane Warner and Harvey Milk Plazas]

**Sponsor: Wiener**

Ordinance: 1) approving regulations for Jane Warner Plaza at the intersection of Castro and 17th Streets and Harvey Milk Plaza adjacent to the intersection of Castro and Market Streets; and 2) authorizing official acts in connection with the regulations.

**FINALLY PASSED by the following vote:**

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 4 - Avalos, Kim, Mar, Olague
Excused: 1 - Campos

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**120045 [Revising Findings - Contract Approval for Design and Construction of New Fire Station - 935 Folsom Street]**

**Sponsor: Kim**

Ordinance amending Ordinance No. 218-10 to revise the findings supporting the waiver of Chapter 6 of the Administrative Code for a Conditional Land Disposition and Acquisition Agreement between the City and the San Francisco Museum of Modern Art for the design and construction of the new fire station to be located at 935 Folsom Street, San Francisco, California.
(Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

**120050 [Administrative Code - Health Service System Plans and Contribution Rates]**

**Sponsor: Chu**

Ordinance amending the San Francisco Administrative Code, Chapter 16, Article XV, of Part 1, Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

**120051 [Establishing Monthly Contribution Amount to the Health Service Trust Fund]**

**Sponsor: Chu**

Resolution establishing the monthly contribution amount to the Health Service Trust Fund.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

**120002 [Accept and Expend Gift - Mayor's Fund for the Homeless]**

Resolution accepting bequest by the late Leila Boroughs, authorizing its expenditure by the Mayor's fund for the homeless for the purpose of assisting San Francisco's homeless and extending appreciation to Ms. Boroughs for her gift. (Human Services Department)

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

## From the Budget and Finance Committee Without Recommendation

*Supervisor Elsbernd was noted absent at 2:48 p.m. and noted present at 2:55 p.m.*

### 120022 [Agreement - Motorola - Bay Area Regional Interoperable Communications Systems]

**Sponsors: Mayor; Farrell and Chu**

Resolution approving site access and use agreement with Motorola for the San Francisco sites to be used for the Bay Area 700 MHz public safety broadband spectrum to be managed and operated by the Bay Area Regional Interoperable Communications Systems for a term of 12 years; and making findings, including environmental findings.
(Fiscal Impact)

*Supervisors Farrell and Chu requested to be added as co-sponsors.*

*Privilege of the floor was granted to Anne Kronenberg, Director, Department of Emergency Management, and Jon Walton, Director, Department of Technology, who provided an overview and responded to questions raised throughout the discussion.*

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague, Wiener
Noes: 1 - Kim
Excused: 1 - Campos

## Recommendations of the Land Use and Economic Development Committee

### 111281 [Sidewalk Width Changes - Establishing a Streamlined Process for Certain Changes]

**Sponsors: Mayor; Wiener**

Ordinance: 1) amending Ordinance No. 1061 to grant authorization to the Director of the Public Works Department to approve certain changes to official sidewalk widths, as specified herein, that would streamline reviews and approvals for such changes and ensure consistency with the General Plan; 2) establishing fees for processing administrative sidewalk width changes; 3) adopting environmental findings; and 4) authorizing official acts in connection with this Ordinance.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

### 111305 [Planning Code Amendments - Glen Park Area Plan]

**Sponsor: Wiener**

Ordinance amending the San Francisco Planning Code by: 1) adding and amending various sections to implement the Glen Park Area Plan, bounded generally by Chenery Street to the north, Roanoke Street to the east, San Jose Avenue and Bosworth Street to the south, and Elk Street to the west; 2) creating a new Section 738.1, establishing zoning controls for the Glen Park Neighborhood Commercial Transit district; and 3) making findings, including environmental findings and findings of consistency with General Plan and with the Priority Policies of Planning Code Section 101.1. (Planning Department)

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

### 111306 [Zoning Map Amendments - Glen Park Area Plan]

**Sponsor: Wiener**

Ordinance amending the City and County of San Francisco Zoning Map Sheets ZN11 and HT11 to: 1) create a new zoning district, and amend height and bulk districts within the Glen Park Area Plan, as proposed in the Glen Park Community Plan; and 2) making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

**Supervisor Wiener, seconded by Supervisor Olague, moved that this Ordinance be AMENDED on Page 2, Lines 1 and 2, by replacing 'Motion' with 'Ordinance.' The motion carried by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

### 111307 [General Plan Amendments - Glen Park Area Plan]

Ordinance amending the San Francisco General Plan by adding the Glen Park Area Plan; and making findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

## Recommendations of the Rules Committee

### 120033 [Confirming Appointment, City Administrator - Naomi Kelly]

**Sponsor: Mayor**

Motion confirming the Mayor's appointment of Naomi Kelly to a five-year term as City Administrator under Charter Section 3.104.

**Motion No.** M12-019

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

### 111330 [Charter Amendment - Consolidating Odd-Year Municipal Elections]

**Sponsor: Wiener**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, and Article XVII to: 1) change the election cycle for the offices of City Attorney and Treasurer so that these offices will be elected in the same years as the elections for the offices of Mayor, District Attorney, and Sheriff; and 2) to amend the definition of general municipal election so that such elections occur only in even-numbered years and every other odd-numbered year.

*Supervisor Wiener, seconded by Supervisor Cohen, moved that this Charter Amendment be DUPLICATED, AMENDED, and CONTINUED AS AMENDED to February 14, 2012. The motion FAILED by the following vote:*

*Ayes: 1 - Wiener*
*Noes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague*
*Excused: 1 - Campos*

**Supervisor Wiener, seconded by Supervisor Cohen, moved that this Charter Amendment be CONTINUED to February 14, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

# SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

## Privilege of the Floor

**Supervisor Chiu, seconded by Supervisor Wiener, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

*Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to David Kirsch of the American Heart Association in recognition of their accomplishments and continued community support regarding cardiovascular disease.*

## SPECIAL ORDER 4:00 P.M.

*Supervisor Olague was noted absent at 5:12 p.m. and noted present at 5:30 p.m.*

### 120005 [Public Hearing - Conditional Use Appeal - 601-14th Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Commission's December 8, 2011, Conditional Use Authorization identified as Planning Case No. 2011.0198C, by its Motion No. 18503, under Planning Code Sections 209.6(b) and 303 to remove existing omni antennas and install a wireless telecommunications facility consisting of up to four panel antennas concealed in one faux chimney located on the northern portion of the roof and related equipment in the basement of a three-story publicly-used structure (Bureau of Jewish Education) as part of AT&T's Wireless Telecommunications Network within the RM-1 (Mixed, Low Density) Zoning District, and a 40-X Height and Bulk District, on property located at 601-14th Avenue, Assessor's Block No. 1630, Lot No. 001. (District 1) (Appellant: Pastor Nikolay Gusenkov on behalf of the First Slavic Baptist Church of San Francisco and subscribed by Supervisors Mar, Chiu, Campos, Avalos, and Wiener) (Filed January 9, 2012).

*The President inquired as to whether any member of the public wished to address the Board. Stephen Sherman (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Vadin "James" Heyfitch; Elise Rousseau; Vladmir; Konstantin Gusenkov; Ed Ingleman; Vladimir; Male Speaker; Male Speaker; Lara-Miya Milrod; Nikolay Gusenkov; Marie Mazinova; Florin Kerr; Bischoff Nikolay; Nikolay Shikoff; Ivan; Mihai Moscouici; Elena Mikolova; Michael Shokov; Mikai Shokov; Dylan Rousseau; David Volkar; Elena Sofia; Ian; Asili Kollgar; Alma; Rick Oliver; Gordon Oliver; Alana Santos; Eliana; spoke in support of the appeal. AnMarie Rodgers (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Mark Blake (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. David Watsberg; Bill Hammett; spoke in support of the project and in opposition to the appeal. Stephen Sherman (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

HEARD AND FILED

### 120006 [Approving Planning Commission Decision Related to Conditional Use Authorization - 601-14th Avenue]

Motion approving decision of the Planning Commission by its Motion No. 18503, approving Conditional Use Authorization identified as Planning Case No. 2011.0198C on property located at 601-14th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be TABLED. The motion FAILED by the following vote:*

*Ayes: 3 - Chiu, Kim, Mar*
*Noes: 7 - Avalos, Chu, Cohen, Elsbernd, Farrell, Olague, Wiener*
*Excused: 1 - Campos*

**Motion No.** M12-021

**Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Noes: 1 - Mar
Excused: 1 - Campos

### 120007 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 601-14th Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 18503, approving Conditional Use Authorization identified as Planning Case No. 2011.0198C on property located at 601-14th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion FAILED by the following vote:*

*Ayes: 3 - Chiu, Kim, Mar*
*Noes: 7 - Avalos, Chu, Cohen, Elsbernd, Farrell, Olague, Wiener*
*Excused: 1 - Campos*

**Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Noes: 1 - Mar
Excused: 1 - Campos

### 120008 [Preparation of Findings Related to the Conditional Use Authorization - 601-14th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0198C on property located at 601-14th Avenue. (Clerk of the Board)

*Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion FAILED by the following vote:*

*Ayes: 3 - Chiu, Kim, Mar*
*Noes: 7 - Avalos, Chu, Cohen, Elsbernd, Farrell, Olague, Wiener*
*Excused: 1 - Campos*

**Supervisor Elsbernd, seconded by Supervisor Farrell, TABLED by the following vote:**

Ayes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Noes: 1 - Mar
Excused: 1 - Campos

# COMMITTEE REPORTS

## Recommendations of the Rules Committee

### 120073 [Appointment, Planning Commission - Cindy Wu]

Motion approving the President of the Board of Supervisors, Supervisor David Chiu's nomination of Cindy Wu to the Planning Commission, for the term ending July 1, 2012. (Clerk of the Board) (Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - January 27, 2012)

**Motion No.** M12-020

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

### 120074 [Appointment, Board of Appeals - Arcelia Hurtado]

Motion approving the President of the Board of Supervisors, Supervisor David Chiu's nomination of Arcelia Hurtado to the Board of Appeals, for the term ending July 1, 2012. (Clerk of the Board) (Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - January 27, 2012)

**Supervisor Cohen, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to February 14, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

### 111212 [Charter Amendment - Replacing Ranked-Choice Voting with Run-Off Elections]

**Sponsors: Farrell; Elsbernd**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 13.101, 13.101.5, 13.102, and 13.107 and Article XVII to replace ranked-choice voting with run-off elections.

**Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Charter Amendment be CONTINUED to February 14, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

**111329 [Charter Amendment - Consolidation of City Elections and Ranked-Choice Voting]**
**Sponsors: Campos; Avalos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, 13.102, 13.103.5, and Article XVII to: 1) consolidate odd-year elections for City elective offices to a single year and 2) increase voter education and clarify implementation of ranked-choice voting.

**Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Charter Amendment be CONTINUED to February 14, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

**111331 [Charter Amendment - Analyzing Proposed Legislation in Relation to Net Job Loss]**
**Sponsor: Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 2.118, to require the Board of Supervisors to wait at least 60 days before adopting an ordinance that may result in a significant net loss of jobs in San Francisco, and to refer the ordinance to the Small Business Commission and Planning Commission for analysis.

*This item was not sent as a Committee Report.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*John; expressed various religious concerns.*
*Male Speaker; expressed various concerns relating to Treasure Island.*
*Sala; expressed various concerns relating to outpatient clinics.*
*Mark Trout; expressed various religious concerns.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**120091 [Commending the Mexican Museum for Distinction as New Affiliate of the Smithsonian Institute]**
**Sponsors: Campos; Avalos, Olague and Kim**

Resolution commending the Mexican Museum for its accomplishments and for welcoming the Smithsonian Institute to the City and County of San Francisco.

*Supervisor Kim reqeusted to be added as a co-sponsor.*

ADOPTED

**120092 [American Heart Month - February 2012]**
**Sponsor: Chiu**
Resolution recognizing February 2012, as American Heart Month in the City and County of San Francisco, and encouraging the improvement of cardiovascular health.

ADOPTED

**120093 [Accept and Expend Grant - Green Business Tracking Tool - $59,190]**
**Sponsor: Chu**
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $59,190 from the California Department of Toxic Substances Control to coordinate the Green Business Tracking and Measurement Tool.

ADOPTED

**120094 [Accept and Expend Grant - High Technology Crimes Unit - $29,250]**
**Sponsor: Cohen**
Resolution authorizing the Department of the District Attorney to retroactively accept and expend a grant in the amount of $29,250 through the State of California, Department of Justice, Office of the Attorney General's Privacy and Piracy Fund, for high-tech crime investigation and prosecution for the grant period of July 1, 2011, through June 30, 2012.

ADOPTED

**120095 [Accept and Expend Grant - Tuberculosis Epidemiologic Studies - $23,538]**
**Sponsor: Mar**
Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $23,538 from the California Department of Public Health, to participate in a program entitled Tuberculosis Epidemiologic Studies Task Order 1, "Improving the Diagnosis and Treatment of Latent Tuberculosis Infection" for the period of November 1, 2011, through September 28, 2012, and waiving indirect costs.

ADOPTED

**120096 [Accept and Expend Grant - Longitudinal Research to Assess HIV Risk and Resilience Among Transgender Female - $93,187]**
**Sponsor: Wiener**
Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $93,187 from the Public Health Foundation Enterprises, to participate in a program entitled "Longitudinal Research to Assess HIV Risk and Resilience Among Transgender Female" for the period of July 18, 2011, through May 31, 2012.

ADOPTED

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Campos

## IMPERATIVE AGENDA

*There were none.*

# LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED RESOLUTIONS

### 120075 [Street Encroachment - Bus Stop Signs - Golden Gate Transit Bus Routes]

Resolution: 1) granting revocable permission to Golden Gate Bridge Highway and Transportation District (Golden Gate Transit) to occupy portions of the public right-of-way to replace existing bus stop signs and install and maintain new bus stop signs at various locations along existing Golden Gate Transit bus routes; and 2) making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

01/23/12; RECEIVED FROM DEPARTMENT.

### 120076 [Airport Concession Lease - Paradies-SFO, LLC]

Resolution approving the Terminal 3, Boarding Area F Newsstand Lease, between Paradies-SFO, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

01/27/12; RECEIVED FROM DEPARTMENT.

01/27/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120077 [Settlement of Claim - Carl Brogger - Not to Exceed $240,000]

Resolution approving proposed settlement of claim by Carl Brogger against the City and County of San Francisco for an amount not to exceed $240,000; the claim was filed on January 20, 2012, bearing claim number 12-01603. (City Attorney)

01/30/12; RECEIVED FROM DEPARTMENT.

01/30/12; RECEIVED AND ASSIGNED to Rules Committee.

### 120078 [Settlement of Claim - Marco Fontana - Not to Exceed $60,000]

Resolution approving proposed settlement of claim by Marco Fontana against the City and County of San Francisco for an amount not to exceed $60,000; the claim was filed on December 2, 2011, bearing claim number 12-01249. (City Attorney)

01/30/12; RECEIVED FROM DEPARTMENT.

01/30/12; RECEIVED AND ASSIGNED to Rules Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:23 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

**Tuesday, February 14, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

GOVERNMENT
DOCUMENTS DEPT

FEB 16 2012

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

***Angela Calvillo, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>1:00 PM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 2nd and 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:08 p.m. On the call of the roll, Supervisor Kim was noted absent. There was a quorum.*

*Supervisor Kim was noted present at 2:14 p.m.*

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

**120118 [Formal Policy Discussions - February 14, 2012]**

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 2, 4, 6, 8, and 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Tenancies-in-common (TICs) in San Francisco have traditionally been a vehicle to allow residents in our City to realize their goal of home ownership. San Francisco has always promoted a path towards converting TICs to condominiums, which has a number of benefits - principally the ability to obtain lower interest rates for their property. Over the past decade, however, the condo conversion lottery has created a bottleneck for TIC owners, and the chances of prevailing in the condo lottery have continued to diminish year after year. To compound matters, during the recent recession the vast majority of lenders who financed TICs stopped lending into the market, leaving only a handful of financing options - at the same time many TIC owners are now facing adjustable-rate mortgages that are resetting and threatening to place many TIC owners into foreclosure. Especially given these dynamics, compounded with our looming annual budget deficits and the dismantling of our redevelopment agency, the concept of condo lottery bypass legislation whereby condo owners would be offered a one-time opportunity to pay a fee to bypass the lottery, should be a win-win situation for everyone, especially given these fees would be specifically directed towards affordable housing in San Francisco. Would you support this condo lottery bypass legislation, which would serve the dual purpose of helping vulnerable TIC owners in San Francisco, and provide a significant source of funding for our affordable housing community to plug our current budget deficit? (Supervisor Farrell, District 2)

2. Having vibrant neighborhood commercial corridors in all parts of the City is important, they are where our residents shop, eat, get services, and build a community. The City can do more to assist these corridors, but it first takes walking these corridors to understand the challenges. Will you commit to investing some time in the neighborhood commercial corridors of the Outer Sunset and explore opportunities to enhance our community? (Supervisor Chu, District 4)

3. Small businesses are a core part of what makes San Francisco the city we all have come to love, the city that people want to visit and the city that people want to move to. They define our city and our neighborhoods; they create jobs and become places for our communities to gather. We are seeing more and more of these small businesses being forced out by the rising cost of rent. In the recent past we have lost businesses like the Eagle Tavern, The John Barleycorn, Original Joe's, The Front Room, The Red Vic Theater, Mission Records and Namu. What other neighborhood serving businesses are we going to lose next? How can the City protect our existing small businesses from rising rent cost while maintaining neighborhood character and protecting jobs? How can we help them stay competitive with larger stores? (Supervisor Kim, District 6)

4. Mr. Mayor: Thank you for your leadership on housing affordability in San Francisco. Your desire to create a housing trust fund provides us with enormous opportunity to move, in a collaborative way, toward creation of a sustainable funding source for housing our diverse population. One critical aspect of addressing our housing crisis is ensuring that people of moderate and middle income -- i.e., 80%-150% of area median income -- have access to housing. Less than 1/3 of San Franciscans are moderate or middle income. This is very low and reflects the hollowing out of our middle class. We need to reverse that trend. Moreover, less than 20% of our affordable housing spending goes to moderate and middle income affordable housing. The lack of moderate/middle income affordable housing undermines our economy, our budget, and the city generally. How can we ensure that the housing trust fund that comes out of the process you have convened will meaningfully address the need for moderate/middle income housing, as opposed to paying lip service to it? (Supervisor Wiener, District 8)

5. Recently, Municipal Transportation Agency proposed extending the San Francisco Park Program (SFPark) to the Mission Bay, Dogpatch, Potrero neighborhoods, and portions of the Mission. The SFPark program has many innovative ways of managing parking such as demand

responsive pricing, longer or no time limits, and the ability to pay with a credit card. While these neighborhoods do need creative ways to address parking management, enforcement of existing parking restrictions has been inadequate and access to reliable public transportation is still limited. Additionally, after years of planning and support from the City, Production, Distribution and Repair (PDR) businesses who employ hundreds of San Franciscans have begun to thrive in these areas. I am concerned that the implementation and expansion of the SFPark program is not considering the unique transit and parking enforcement challenges of some of these neighborhoods and the unique nature of PDR businesses. What are your thoughts on how this program can be adapted and improved in order to better fit these areas and would you be supportive of evaluating the use of parking passes for employees? (Supervisor Cohen, District 10)

*Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.*

HEARD AND FILED

## CONSENT AGENDA

### Recommendation of the Rules Committee

**120071 [Appointment, Child Care Planning and Advisory Council - Deepa Mehta]**
Motion appointing Deepa Mehta, term ending April 19, 2013, to the Child Care Planning and Advisory Council, residency requirement waived. (Clerk of the Board)

**Motion No.** M12-022

APPROVED

**The foregoing item was acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Budget and Finance Committee

**120045 [Revising Findings - Contract Approval for Design and Construction of New Fire Station - 935 Folsom Street]**

**Sponsor: Kim**

Ordinance amending Ordinance No. 218-10 to revise the findings supporting the waiver of Chapter 6 of the Administrative Code for a Conditional Land Disposition and Acquisition Agreement between the City and the San Francisco Museum of Modern Art for the design and construction of the new fire station to be located at 935 Folsom Street, San Francisco, California.
(Fiscal Impact)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120050 [Administrative Code - Health Service System Plans and Contribution Rates]**

**Sponsor: Chu**

Ordinance amending the San Francisco Administrative Code, Chapter 16, Article XV, of Part 1, Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the City Operations and Neighborhood Services Committee

**101055 [Environment Code - Checkout Bags and Checkout Bag Charge]**

**Sponsors: Olague; Avalos and Campos**

Ordinance amending the San Francisco Environment Code by: 1) amending Section 1702 to extend the restrictions on checkout bags from supermarkets and chain pharmacies to all retail establishments and food establishments in the City and County of San Francisco, and clarify terms; 2) adding Section 1703.5 to require stores to add a checkout bag charge of 10 cents, if they provide a customer with a checkout bag; 3) setting an operative date of October 1, 2012; and 4) making environmental findings.
(Economic Impact)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Land Use and Economic Development Committee

### 111281 [Sidewalk Width Changes - Establishing a Streamlined Process for Certain Changes]

**Sponsors: Mayor; Wiener**

Ordinance: 1) amending Ordinance No. 1061 to grant authorization to the Director of the Public Works Department to approve certain changes to official sidewalk widths, as specified herein, that would streamline reviews and approvals for such changes and ensure consistency with the General Plan; 2) establishing fees for processing administrative sidewalk width changes; 3) adopting environmental findings; and 4) authorizing official acts in connection with this Ordinance.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111305 [Planning Code Amendments - Glen Park Area Plan]

**Sponsor: Wiener**

Ordinance amending the San Francisco Planning Code by: 1) adding and amending various sections to implement the Glen Park Area Plan, bounded generally by Chenery Street to the north, Roanoke Street to the east, San Jose Avenue and Bosworth Street to the south, and Elk Street to the west; 2) creating a new Section 738.1, establishing zoning controls for the Glen Park Neighborhood Commercial Transit district; and 3) making findings, including environmental findings and findings of consistency with General Plan and with the Priority Policies of Planning Code Section 101.1. (Planning Department)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111306 [Zoning Map Amendments - Glen Park Area Plan]

**Sponsor: Wiener**

Ordinance amending the City and County of San Francisco Zoning Map Sheets ZN11 and HT11 to: 1) create a new zoning district, and amend height and bulk districts within the Glen Park Area Plan, as proposed in the Glen Park Community Plan; and 2) making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111307 [General Plan Amendments - Glen Park Area Plan]

Ordinance amending the San Francisco General Plan by adding the Glen Park Area Plan; and making findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Rules Committee

### 120074 [Appointment, Board of Appeals - Arcelia Hurtado]

Motion approving the President of the Board of Supervisors, Supervisor David Chiu's nomination of Arcelia Hurtado to the Board of Appeals, for the term ending July 1, 2012. (Clerk of the Board) (Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - January 27, 2012)

**Motion No.** M12-023

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111330 [Charter Amendment - Consolidating Odd-Year Municipal Elections]

**Sponsor: Wiener**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, and Article XVII to: 1) change the election cycle for the offices of City Attorney and Treasurer so that these offices will be elected in the same years as the elections for the offices of Mayor, District Attorney, and Sheriff; and 2) to amend the definition of general municipal election so that such elections occur only in even-numbered years and every other odd-numbered year.

**Supervisor Wiener, seconded by Supervisor Campos, moved that this Charter Amendment be AMENDED, on Page 1, changing 'June 5, 2012' to 'November 6, 2012'. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, and Article XVII to: 1) change the election cycle for the offices of City Attorney and Treasurer so that these offices will be elected in the same years as the elections for the offices of Mayor, District Attorney, and Sheriff; and 2) to amend the definition of general municipal election so that such elections occur only in even-numbered years and every other odd-numbered year.

**Supervisor Wiener, seconded by Supervisor Campos, moved that this Charter Amendment be RE-REFERRED AS AMENDED to the Rules Committee. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## From the Rules Committee Without Recommendation

### 111212 [Charter Amendment - Replacing Ranked-Choice Voting with Run-Off Elections]

**Sponsors: Farrell; Elsbernd**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 13.101, 13.101.5, 13.102, and 13.107 and Article XVII to replace ranked-choice voting with run-off elections.

**Supervisor Campos, seconded by Supervisor Mar, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion FAILED by the following vote:**

Ayes: 4 - Avalos, Campos, Chiu, Mar
Noes: 7 - Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener

**Supervisor Campos, seconded by Supervisor Olague, moved that this Charter Amendment be TABLED. The motion carried by the following vote:**

Ayes: 6 - Avalos, Campos, Chiu, Cohen, Mar, Olague
Noes: 5 - Chu, Elsbernd, Farrell, Kim, Wiener

### 111329 [Charter Amendment - Consolidation of City Elections and Ranked-Choice Voting]

**Sponsors: Campos; Avalos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, 13.102, 13.103.5, and Article XVII to: 1) consolidate odd-year elections for City elective offices to a single year and 2) increase voter education and clarify implementation of ranked-choice voting.

**Supervisor Campos, seconded by Supervisor Mar, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion FAILED by the following vote:**

Ayes: 4 - Avalos, Campos, Chiu, Mar
Noes: 7 - Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener

**Supervisor Wiener, seconded by Supervisor Farrell, moved that this Charter Amendment be TABLED. The motion FAILED by the following vote:**

Ayes: 4 - Chu, Cohen, Farrell, Wiener
Noes: 7 - Avalos, Campos, Chiu, Elsbernd, Kim, Mar, Olague

**Supervisor Campos, seconded by Supervisor Olague, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## NEW BUSINESS

*Supervisor Chu was noted absent at 4:37 p.m. for the remainder of the meeting.*

### Recommendations of the Budget and Finance Committee

**120038 [Real Property Lease - Sheriff's Department - 1740 Folsom Street]**

Resolution authorizing the exercise of a five year option to extend the lease of approximately 18,862 square feet of space at 1740 Folsom Street for the Sheriff's Department with Mark Nelson Development and New California Land Company. (Real Estate Department)
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Chu

**120041 [Agreement - Architectural and Engineering Design Services - 525 Golden Gate Avenue - Not to Exceed $14,414,758]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to Architectural and Engineering Design Services Agreement No. CS-842 for the new San Francisco Public Utilities Commission administration building project located at 525 Golden Gate Avenue increasing the agreement not-to-exceed amount to $14,414,758 pursuant to Charter Section 9.118. (Public Utilities Commission)

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Chu

**120086 [Request for Proposal - City's Cash Management Banking Services]**

**Sponsors: Avalos; Chiu, Mar and Campos**

Resolution supporting the City's Office of the Treasurer-Tax Collector's efforts to integrate community reinvestment measures and social responsibility language into the City's Cash Management Banking Services Request for Proposal.

*Supervisors Chiu, Mar, and Campos requested to be added as co-sponsors.*

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Chu

## Recommendation of the Land Use and Economic Development Committee

### 120003 [Public Infrastructure Improvements - Mission Bay South - Blocks 2-7 and 13 Phase I]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 2-7 and 13 Phase I including acquisition facilities on portions of Fourth Street, Mission Rock Street, China Basin Street, Mission Bay Boulevard North, and Mission Bay Boulevard South; 2) accepting additional property on portions of Fourth Street, Mission Rock Street, and China Basin Street; 3) declaring City property and additional property as shown on official Department of Public Works maps as open public right-of-way; 4) dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; 5) establishing street grades and sidewalk widths; 6) accepting said facilities for City maintenance and liability purposes, subject to specified limitations; 6) adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; 7) accepting a Department of Public Works Order; and 8) authorizing official acts in connection with this Ordinance. (Public Works Department)

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Chu

## Recommendation of the Rules Committee

## Supervisor Olague Excused from Voting

**Supervisor Avalos, seconded by Supervisor Campos, moved that Supervisor Olague be excused from voting on File No. 120064. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague
Absent: 1 - Chu

### 120064 [Appointment, Reentry Council - Supervisor Christina Olague]

Motion appointing Supervisor Christina Olague, term ending June 7, 2013, to the Reentry Council. (Clerk of the Board)

**Motion No.** M12-024

**APPROVED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague
Absent: 1 - Chu

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

### Privilege of the Floor

**Supervisor Farrell, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*BLACK HISTORY MONTH*
*Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Black History Month, their accomplishments, and their continued community support as referenced below:*

*Supervisor Elsbernd recognized Carolyn Tyler (ABC7); and*
*Supervisor Chu recognized Brenda Joyce Richard; and*
*Supervisor Kim recognized Sandra Manning and John Powell; and*
*Supervisor Wiener recognized Julius Turman (Police Commission); and*
*Supervisor Cohen recognized Raquel Miller; and*
*Jason Elliott, representing on behalf of Mayor Lee, recognized Tomiquia Moss; and*
*Supervisor Mar recognized Noah Griffin; and*
*Supervisor Chiu recognized Kimberly Bryant; and*
*Supervisor Olague recognized Carmen Johnson and Agonafer Shiferaw; and*
*Supervisor Elsbernd recognized Don Collins (Commissioner of Athletics - SFUSD); and*
*Supervisor Campos recognized Mama Georgia Willette; and*
*Supervisor Avalos recognized Donneter Lane.*

*Supervisor Farrell was noted absent at 3:44 p.m. and noted present at 4:02 p.m.*
*Supervisor Cohen was noted absent at 4:12 p.m. and noted present at 4:21 p.m.*
*Supervisor Farrell was noted absent at 4:37 p.m. and noted present at 4:43 p.m.*
*Supervisor Elsbernd was noted absent at 4:50 p.m. and noted present at 5:07 p.m.*

## COMMITTEE REPORTS

### Recommendations of the Land Use and Economic Development Committee

### 111210 [Planning Code - Chinatown Transit Station Special Use District]

**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code Section 249.66 to: 1) create the Chinatown Transit Station Special Use District at the southwest corner of Stockton Street and Washington Street (Assessor Block No. 211, Lot No. 1); 2) permit the demolition of a mixed-use building in the Chinatown Neighborhood Commercial District for the construction of the Chinatown Station of the Central Subway; and 3) adopt findings, including General Plan Consistency Findings and findings under the California Environmental Quality Act.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Chu

### 111211 [Zoning Map Amendment - Chinatown Transit Station Special Use District]

**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code Sectional Maps SU01 of the Zoning Map of the City and County of San Francisco to: 1) reflect the creation of the Chinatown Transit Station Special Use District, Planning Code Section 249.66, at the southwest corner of Stockton Street and Washington Street (Assessor Block No. 211, Lot No. 1); 2) permit the demolition of a mixed-use building in the Chinatown Neighborhood Commercial District for the construction of the Chinatown Station of the Central Subway; and 3) adopting findings, including General Plan Consistency Findings, Planning Code Section 101.1 and 302 findings, and findings under the California Environmental Quality Act.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Chu

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*Ernestine Weiss; expressed various concerns relating to 8 Washington.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Shana Crochenair; expresssed various concerns relating to medical cannabis.*
*Denise Dorey; expresssed various concerns relating to medical cannabis.*
*Gregory Ledbetter; expresssed various concerns relating to medical cannabis.*
*Caren Woodson; expresssed various concerns relating to medical cannabis.*
*Tony Bowles; expresssed various concerns relating to medical cannabis.*
*John Stone; expresssed various concerns relating to medical cannabis.*
*John Gout; expresssed various concerns relating to medical cannabis.*
*Marquis Ausby; expresssed various concerns relating to medical cannabis.*
*Penny Grham; expresssed various concerns relating to medical cannabis.*
*Edmond Juicye; expressed various concerns.*
*Female Speaker; expresssed various concerns relating to medical cannabis.*
*Nay-Nay; expresssed various concerns relating to medical cannabis.*
*David Goldman; expresssed various concerns relating to medical cannabis.*
*Michael Koehn; expresssed various concerns relating to medical cannabis.*
*Gregory Lyons; expresssed various concerns relating to medical cannabis.*
*Terri Frye; expresssed various concerns relating to medical cannabis.*
*Male Speaker; expresssed various concerns relating to medical cannabis.*
*Dan Manila; expresssed various concerns relating to medical cannabis.*
*Stacey Sky; expresssed various concerns relating to medical cannabis.*
*Allys; expresssed various concerns relating to medical cannabis.*
*Otto Duffy; expressed various concerns.*
*Ray Hartz; expressed concerns relating to government.*
*Male Speaker; expressed various religious concerns.*
*Female Speaker; expresssed various concerns relating to medical cannabis.*

*Supervisor Chiu was noted absent at 5:35 p.m. and noted present at 6:11 p.m.*
*Supervisor Mar was noted absent at 5:35 p.m. for the remainder of the meeting.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120129 [Calling a Special Municipal Election - June 5, 2012]

**Sponsor: Chiu**

Resolution calling a Special Municipal Election for June 5, 2012, and ordering consolidation of that election with the Statewide Presidential Primary Election to be held on the same date.

**ADOPTED**

### 120130 [Commending the 50th Anniversary of Tony Bennett's Recording of "I Left My Heart in San Francisco"]

**Sponsor: Elsbernd**

Resolution commending the 50th Anniversary of Tony Bennett's recording of "I Left My Heart in San Francisco."

**ADOPTED**

### 120131 [Accept and Expend Grant - Energy Performance Benchmarking Forum - $25,300]

**Sponsor: Mar**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $25,300 from the Urban Sustainability Directors Network to convene a two-day forum covering adoption and implementation of energy performance benchmarking and disclosure policies.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Absent: 2 - Chu, Mar

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Wiener requested that File No. 120132 be severed so that it may be considered separately.*

### 120132 [Apply for, Accept, and Expend Grant - Urban Forestry Grant Program]

**Sponsor: Mayor**

Resolution authorizing the Planning Department to apply for funding from the Urban Forestry Grant Program entitled "An Urban Forest for Every City" as provided through Propositions 40 and 84 to conduct a Citywide tree inventory.

**Supervisor Wiener, seconded by Supervisor Campos, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Absent: 2 - Chu, Mar

Resolution authorizing the City and County of San Francisco to apply for, accept, and expend funding from the Urban Forestry Grant Program entitled "An Urban Forest for Every City" as provided through propositions 40 and 84.

**ADOPTED AS AMENDED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Absent: 2 - Chu, Mar

## IMPERATIVE AGENDA

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCE

**120134 [Settlement of Lawsuit - Timothy Hoyt - $80,000]**

Ordinance authorizing settlement of the lawsuit filed by Timothy Hoyt against the City and County of San Francisco for $80,000; the lawsuit was filed on April 26, 2010, in U.S. District Court, Case No. CV 10-01778 RS; entitled Timothy Hoyt v. the City and County of San Francisco, et al. (City Attorney)

02/01/12; RECEIVED FROM DEPARTMENT.

02/14/12; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

**120135 [Settlement of Unlitigated Claim - Kinuko Jorgensen - $26,226.57]**

Resolution approving the proposed settlement of the case of Kinuko Jorgensen vs. the City and County of San Francisco for 26,226.57, Unlitigated Claim No. 12-00302. (City Attorney)

02/01/12; RECEIVED FROM DEPARTMENT.

02/14/12; RECEIVED AND ASSIGNED to Rules Committee.

**120136 [Settlement of Unlitigated Claim - Debra Reed - $37,500]**

Resolution approving the settlement of the unlitigated claim filed by Debra Reed against the City and County of San Francisco for $37,500; claim was filed on April 10, 2011. (City Attorney)

02/01/12; RECEIVED FROM DEPARTMENT.

02/14/12; RECEIVED AND ASSIGNED to Rules Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:21 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
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MAR - 2 2012

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**Tuesday, February 28, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>1:00 PM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 2nd and 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Farrell, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of January 10, 2012, and January 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Rules Committee

**120065 [Appointment, Pedestrian Safety Advisory Committee - Abigail Evans]**

Motion appointing Abigail Evans, term ending March 28, 2014, to the Pedestrian Safety Advisory Committee. (Clerk of the Board)

Abigail Evans, seat 8, succeeding Dahianna Lopez, resigned, must be a representative from a public health organization, for the unexpired portion of a two-year term ending March 28, 2014.

*APPROVED*

*The foregoing item was acted upon by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Cohen, seconded by Supervisor Kim, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Motion No.** M12-025

APPROVED

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the Consent Agenda

*Supervisor Cohen requested that File No. 120121 be severed so that it may be considered separately.*

### 120121 [Appointments, Small Business Commission - Monetta White and William Ortiz-Cartagena]

Motion appointing Monetta White and William Ortiz-Cartagena, terms ending January 6, 2016, to the Small Business Commission. (Clerk of the Board)
Monetta White, seat 1, succeeding Michael O'Connor, term expired, must be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2016.
William Ortiz-Cartagena, seat 3, succeeding Janet Clyde, term expired, must be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2016.

*APPROVED*

*The foregoing item was acted upon by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Cohen, seconded by Supervisor Kim, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Cohen, seconded by Supervisor Olague, moved that this Motion be CONTINUED to March 6, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Land Use and Economic Development Committee

### 111210 [Planning Code - Chinatown Transit Station Special Use District]

**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code Section 249.66 to: 1) create the Chinatown Transit Station Special Use District at the southwest corner of Stockton Street and Washington Street (Assessor Block No. 211, Lot No. 1); 2) permit the demolition of a mixed-use building in the Chinatown Residential Neighborhood Commercial District for the construction of the Chinatown Station of the Central Subway; and 3) adopt findings, including Planning Code Section 302 Findings, General Plan Consistency Findings, and findings under the California Environmental Quality Act.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111211 [Zoning Map Amendment - Chinatown Transit Station Special Use District]

**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code Sectional Maps SU01 of the Zoning Map of the City and County of San Francisco to: 1) reflect the creation of the Chinatown Transit Station Special Use District, Planning Code Section 249.66, at the southwest corner of Stockton Street and Washington Street (Assessor Block No. 211, Lot No. 1); 2) permit the demolition of a mixed-use building in the Chinatown Residential Neighborhood Commercial District for the construction of the Chinatown Station of the Central Subway; and 3) adopting findings, including General Plan Consistency Findings, Planning Code Section 101.1 and 302 findings, and findings under the California Environmental Quality Act.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120003 [Public Infrastructure Improvements - Mission Bay South - Blocks 2-7 and 13 Phase I]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 2-7 and 13 Phase I including acquisition facilities on portions of Fourth Street, Mission Rock Street, China Basin Street, Mission Bay Boulevard North, and Mission Bay Boulevard South; 2) accepting additional property on portions of Fourth Street, Mission Rock Street, and China Basin Street; 3) declaring City property and additional property as shown on official Department of Public Works maps as open public right-of-way; 4) dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; 5) establishing street grades and sidewalk widths; 6) accepting said facilities for City maintenance and liability purposes, subject to specified limitations; 6) adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; 7) accepting a Department of Public Works Order; and 8) authorizing official acts in connection with this Ordinance. (Public Works Department)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## NEW BUSINESS

## Recommendations of the Budget and Finance Committee

### 120039 [Real Property Lease, Sublease, and Transfer Agreement Amendment - Court Facility - 575 Polk Street]

Resolution: 1) approving a lease of approximately 9,000 square feet at 575 Polk Street with the Mattison Family Trust for an initial base rent of $25,597 per month; 2) a sublease of 575 Polk Street premises with the State of California, Judicial Council of California - Administrative Office of the Courts for use by the San Francisco Superior Court; 3) an amendment to the transfer agreement for the court facility at 575 Polk Street; and 4) authorizing other actions in furtherance of this Resolution. (Real Estate Department)
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120040 [Real Property Lease Expansion - Community Justice Center - 555 Polk Street]

Resolution: 1) approving the exercise of a lease expansion of approximately 9,000 square feet at 555 Polk Street with the Mattison Family Trust at a base rent of $16,100 per month, for use by the Department of Public Health as a Community Justice Center; and 2) authorizing other actions in furtherance of this Resolution. (Real Estate Department)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120076 [Airport Concession Lease - Paradies-SFO, LLC]

Resolution approving the Terminal 3, Boarding Area F Newsstand Lease, between Paradies-SFO, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120085 [Accept and Expend Grant - Agreement - Transit Oriented Development Housing Program - $4,700,000]

**Sponsors: Mayor; Kim**

Resolution authorizing any designee of the Mayor from the Mayor's Office of Housing to enter into a standard agreement and disbursement agreement with the California State Department of Housing and Community Development to accept and expend $4,700,000 of Transit Oriented Development Infrastructure Grant Program funds associated with the 1180-4th Street affordable housing project; the execution of an agreement with the Project Sponsor for disbursement of grant funds; and the execution of any related documents necessary to participate in the Transit Oriented Development Infrastructure Grant Program.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120087 [Accept and Expend Grant - Kindergarten to College Program Participant Incentive Funds - $190,000]

**Sponsor: Campos**

Resolution authorizing the Office of Treasurer-Tax Collector to accept and expend a grant in the amount of $190,000 from the Earned Assets Resource Network for Kindergarten to College Program Participant Incentive Funds.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120088 [Revocable Permit - Union Sanitary District - Bay Division Pipeline Nos. 3 and 4 Seismic Upgrade Project]

**Sponsor: Elsbernd**

Resolution authorizing issuance of a revocable permit by the San Francisco Public Utilities Commission to Union Sanitary District for the improvements to the regional water supply system, otherwise known as Project No. CUW35302 Seismic Upgrade of Bay Division Pipeline Nos. 3 and 4 for a term in excess of ten years, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120089 [Accept and Expend Grant - San Francisco Minority AIDS Initiative - $1,352,141]

**Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $1,352,141 from the Substance Abuse and Mental Health Services Administration to participate in a program entitled "San Francisco Minority AIDS Initiative" for the period of September 30, 2011, through September 29, 2012, and waiving indirect costs.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120090 [Accept and Expend Grant - Centers for Disease Control and Prevention Kenya-Monitoring and Evaluation - $256,846]**

**Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $256,846 from the University of California San Francisco to participate in a program entitled "Centers for Disease Control and Prevention Kenya-Monitoring and Evaluation" for the period of September 30, 2011, through September 29, 2012.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Public Safety Committee

**111029 [Environment Code - Tenant Bicycle Parking in Existing Commercial Buildings]**

**Sponsors: Avalos; Kim, Mar, Campos, Olague and Chiu**

Ordinance amending the San Francisco Environment Code, Section 400, and adding Section 402, to: 1) require the owners of existing commercial buildings to either provide secure bicycle parking in their buildings or allow their tenants to bring their bicycles into the building; 2) provide that the Ordinance's operative date is January 1, 2012, or 30 days from the effective date of the Ordinance, whichever is later; and 3) make environmental findings.

**Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED ON FIRST READING to March 6, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Rules Committee

**111079 [Administrative Code - Additional Pre-Approval Notice for Certain City Projects]**

**Sponsor: Farrell**

Ordinance amending the San Francisco Administrative Code by adding Chapter 79A to expand upon the minimum notice requirements prior to approval of a City project that are mandated by the Citizens' Right-to-Know Act of 1998.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**111189 [Administrative Code - Right to Counsel in Civil Matters]**

**Sponsors: Chiu, Kim, Wiener, Olague, Farrell, Campos and Cohen**

Ordinance amending the San Francisco Administrative Code by adding Article 58, Sections 58.1 through 58.3 to: 1) declare San Francisco to be a Right to Civil Counsel City; and 2) declare the intent of the Board of Supervisors to create a one-year San Francisco Right to Civil Counsel pilot program.

*Supervisor Cohen requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Noes: 2 - Chu, Elsbernd

### 111277 [Campaign and Governmental Conduct Code - Certification of Supervisorial Candidates' Eligibility for Public Financing in 2012]

**Sponsor: Cohen**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.142 to delay the certification of 2012 supervisorial candidates seeking public financing until the Redistricting Task Force completes its revision of supervisorial district boundaries.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Kim was noted absent at 3:35 p.m. and noted present at 3:43 p.m.*

### 111163 [Establishing a Balboa Park Station Community Advisory Committee]

**Sponsor: Avalos**

Resolution establishing a Balboa Park Station Area Plan Community Advisory Committee to provide input and community oversight relating to area transportation and other public improvements.

**Supervisor Avalos, seconded by Supervisor Chu, moved that this Resolution be AMENDED on Page 3, Lines 7-9, by adding 'The CAC shall sunset two years after the date of the first meeting, unless the Board of Supervisors, by resolution, extends its term, based on' and deleting 'after which the CAC may be reauthorized per.' The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague, Wiener
Absent: 1 - Kim

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague, Wiener
Absent: 1 - Kim

## SPECIAL ORDER 3:00 P.M.

*Privilege of the floor was granted to Michael Martin (Mayor's Office of Economic and Workforce Development) who provided an overview of the proposed amendments relating to the America's Cup Project relating to File Nos. 120169, 120151, 120152, and 120169.*

## Board of Supervisors Sitting as a Committee of the Whole

### 120170 [Hearing - Amendments to the 34th America's Cup Project and Related Transactions, and Resolution of Intent to Form the Waterfront Infrastructure Financing District]

Hearing of persons interested in or objecting to amendments to the proposed Resolution approving the 34th America's Cup Project and related transactions, and the proposed Resolution of Intent to Form the Waterfront Infrastructure Financing District. (Clerk of the Board)

*Due to the action of File No. 120169 this item was CONTINUED to March 27, 2012, at 3:00 p.m.*

**CONTINUED to March 27, 2012, at 3:00 p.m.**

## Committee of the Whole Adjourn and Report

### From the Budget and Finance Committee Without Recommendation

### 120127 [Approving the 34th America's Cup Project and Related Transactions]

**Sponsor: Mayor**

Resolution adopting California Environmental Quality Act Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) for the 34th America's Cup events and approving the America's Cup project; waiving certain termination rights by the City under the 34th America's Cup Host and Venue Agreement (Host Agreement); approving the Development and Disposition Agreement between the City, through its Port Commission, and the America's Cup Event Authority, LLC (Event Authority), which also amends the Host Agreement; approving a Memorandum of Agreement regarding the City's and the Event Authority's respective obligations for certain mitigation measures in the MMRP and other project-related activities; and authorizing further actions and ratifying prior actions consistent with the terms of this Resolution.
(Fiscal Impact)
(Supervisor Avalos dissented in Committee)

*Supervisor Chu, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to March 20, 2012. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Chu, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Chu, seconded by Supervisor Avalos, moved that this Resolution be CONTINUED to March 27, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120128 [Resolution of Intention to Form Waterfront Infrastructure Financing District]

**Sponsor: Mayor**

Resolution of Intention to establish Infrastructure Financing District No. 2 for the City and County of San Francisco at the Port of San Francisco.

*Supervisor Chu, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to March 20, 2012. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Chu, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Chu, seconded by Supervisor Avalos, moved that this Resolution be CONTINUED to March 27, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# COMMITTEE REPORTS

## Recommendations of the Rules Committee

### 111082 [Campaign and Governmental Conduct and Municipal Elections Codes - Amending Public Financing Program]

**Sponsors: Kim; Campos, Mar and Avalos**

Ordinance amending the Campaign and Governmental Conduct Code and the Municipal Elections Code to modify expenditure ceilings for the City's public financing program, to delay the date on which public funds may be disbursed, to change the qualification requirements for participating candidates, and to advance the date by which all local candidates must file their nomination papers.

*Supervisor Chu moved to divide the question relating to 'fiscal year starting balance' located on Page 3, Lines 3-5, and Page 4, Lines 2-8. The divided question PASSED by the following vote:*
*Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener*
*Noes: 3 - Chu, Elsbernd, Farrell*

**Supervisor Wiener, seconded by Supervisor Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Ordinance amending the Campaign and Governmental Conduct Code and the Municipal Elections Code to modify funding of the City's public financing program, to increase expenditure ceilings for supervisorial candidates, to delay the date on which public funds may be disbursed, to change the qualification requirements for participating candidates, and to advance the date by which all local candidates must file their nomination papers.

**Supervisor Kim, seconded by Supervisor Wiener, moved that this Ordinance be RE-REFERRED AS AMENDED to the Rules Committee. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120020 [Initiative Ordinance - Campaign & Governmental Conduct, Municipal Elections Codes - Improving Public Financing of Elections]

**Sponsors: Campos; Avalos and Kim**

Motion ordering submitted to the voters an ordinance authorizing the amendment of the Campaign and Governmental Conduct Code and Municipal Elections Code to adjust expenditure ceilings in the public financing program in response to the U.S. Supreme Court ruling in Arizona Free Enterprise v. Bennett, adjust public financing deadlines and thresholds, and advance candidate filing deadlines, at an election to be held on June 5, 2012.

**Supervisor Kim, seconded by Supervisor Campos, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Noes: 2 - Chu, Elsbernd

### 120077 [Settlement of Claim - Carl Brogger - Not to Exceed $240,000]

Resolution approving proposed settlement of claim by Carl Brogger against the City and County of San Francisco for an amount not to exceed $240,000; the claim was filed on January 20, 2012, bearing Claim No. 12-01603. (City Attorney)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120078 [Settlement of Claim - Marco Fontana - Not to Exceed $60,000]

Resolution approving proposed settlement of claim by Marco Fontana against the City and County of San Francisco for an amount not to exceed $60,000; the claim was filed on December 2, 2011, bearing Claim No. 12-01249. (City Attorney)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

*There were none.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Dr. Derek Kern; expressed concerns relating to the Sunshine Ordinance audit.*
*Peter Warfield; expressed concerns relating to the Sunshine Ordinance audit.*
*Female Speaker; expressed concerns relating to sewage plant.*
*Loren Hackman; expressed concerns relating to initiatives relating to public workers.*
*Female Speaker; expressed concerns relating to wrongful termination.*
*Steve Seltzer; expressed concerns relating to initiatives relating to public workers.*
*Male Speaker; expressed various religious concerns.*
*Paul Courier; expressed concerns relating to televising housing authority meetings.*
*Allen Jones; expressed various concerns relating to civil rights and Black Future Month.*
*Tony Bowles; expressed concerns relating to medical cannabis.*
*Leam Daniels; expressed various concerns relating to low-income renters.*
*Cliff; expressed various concerns relating to Parkmerced Development Agreement.*
*Pastor Gavin; expressed concerns relating to racial comments.*
*Tomas; expressed various concerns relating to City projects.*
*Espinola Jackson; expressed various concerns relating to the San Francisco 49ers.*
*Eliana Rivera; expressed concerns relating to the Sunshine Ordinance audit.*
*Ray Hartz; expressed concerns relating to government.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Vince Courtney; expressed various concerns relating to the America's Cup.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120151 [Approval of a 30-Day Extension for Planning Commission Review of Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance in Specified Use Districts (File No. 110548)]

**Sponsor: Chiu**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 110548) amending the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3, 607.4, and amending various other Code sections to: 1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts; 2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts; 3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts; 4) allow exceptions from required parking under specified circumstances; 5) amend the restrictions on off-street parking rates and extend them to additional zoning districts; 6) revise sign, awning, canopy, and marquee controls in specified zoning districts; 7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts; 8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts; 9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts; 10) permit certain exceptions from exposure and open space requirements for historic buildings; and 11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

ADOPTED

### 120152 [Approval of a 30-Day Extension for Planning Commission Review of Washington-Broadway Special Use District 1; Waterfront Special Use Districts 2 and 3; Special Districts for Sign Illumination; and Special Districts for Scenic Streets (File No. 110547)]

**Sponsor: Chiu**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 110547) amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: 1) add blocks and lots to the Washington-Broadway Special Use District 1; 2) add blocks to the Waterfront Special Use District 2; 3) delete blocks and add lots to the Waterfront Special Use District 3; 4) make the boundaries of the Special District for Sign Illumination on Broadway co-extensive with the Broadway Neighborhood Commercial District; 5) delete the Van Ness Special District for Sign Illumination; and 6) add The Embarcadero from Taylor Street to Second Street to the Special District for Scenic Streets; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**ADOPTED**

### 120153 [Authorizing the Assessor-Recorder to Participate in the Electronic Recording Delivery Act of 2004]

**Sponsor: Chiu**

Resolution authorizing the Assessor-Recorder to participate in the Electronic Recording Delivery Act of 2004.

**ADOPTED**

### 120154 [CalPERS - Pre-Tax Payroll Deduction Plan]

**Sponsor: Elsbernd**

Resolution authorizing the City and County of San Francisco to implement a pre-tax payroll deduction plan for all employees in CalPERS, pursuant to the Internal Revenue Code Section 414(h)(2).

**ADOPTED**

### 120155 [Accept and Expend Grant - Pest Exclusion High Risk Inspections and Enforcement - $47,983.25]

**Sponsor: Mar**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant (Agreement No. 11-0127) in the amount of $47,983.25 from the California Department of Food and Agriculture to participate in a program entitled Pest Exclusion High Risk Inspections and Enforcement for the period of July 1, 2011, through June 30, 2012.

**ADOPTED**

### 120156 [Accept and Expend Grant - San Francisco Hepatitis B Free Best Practices Evaluation Project - $63,480]

**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $63,480 from the Public Health Foundation Enterprises, Inc., to participate in a program entitled "San Francisco Hepatitis B Free Best Practices Evaluation Project" for the period of January 1, 2012, through June 30, 2013, and waiving indirect costs.

**ADOPTED**

### 120157 [Accept and Expend Grant - Risk-Based Initiative - $67,583]

**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $67,583 from the Public Health Foundation Enterprises, Inc., to participate in a program entitled "Risk-Based Initiative" for the period of August 10, 2011, through August 9, 2012.

ADOPTED

### 120150 [Suspending Board Rule 4.38 to Permit the Board of Supervisors to Consider an Amendment to Rule 5.7 Extending the Joint City and School District Select Committee for One Year Ending March 1, 2013, and Setting Monthly Meetings]

**Sponsor: Campos**

Motion suspending Rule 4.38 of the Board of Supervisors' Rules of Order to consider, without reference, an amendment to Rule 5.7 to extend the term of the Joint City and School District Select Committee for one year ending March 1, 2013; ordering the Joint City and School District Select Committee meetings be held on 4th Thursdays of each month at 3:30 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

**Motion No.** M12-026

APPROVED

### 120167 [Final Map 6510: 1371-1375 Grove Street]

Motion approving Final Map 6510, a Five Unit Residential Condominium Project, located at 1371-1375 Grove Street, being a subdivision of Assessor's Block No. 1201, Lot No. 031; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M12-027

APPROVED

### 120168 [Final Map 5674: 1994 Carroll Avenue and 2525 Phelps Street]

Motion approving Final Map 5674, a Three Lot Subdivision, including an Eight Unit Commercial Condominium Project, located at 1994 Carroll Avenue and 2525 Phelps Street, in Assessor's Block No. 5423A, Lot Nos. 014 and 015; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M12-028

APPROVED

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Chiu requested that File No. 120169 be severed so that it may be considered separately.*

### 120169 [Committee of the Whole - Approving Amendments to the 34th America's Cup Project and Related Transactions, and Resolution of Intent to Form the Waterfront Infrastructure Financing District - March 27, 2012]

**Sponsor: Chiu**

Motion scheduling the Board to sit as a Committee of the Whole on February 28, 2012, at 3 p.m., to hold a public hearing on amendments to a Resolution approving the 34th America's Cup Project and related transactions, and a Resolution of Intent to Form the Waterfront Infrastructure Financing District.

*The President inquired as to whether any member of the public wished to address the Board relating to File No. 120126. There were no speakers. The President declared public comment closed.*

*Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*APPROVED AS AMENDED by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Chu, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*The President inquired as to whether any member of the public wished to address the Board relating to File No. 120126. There were no speakers. The President declared public comment closed.*

**Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Motion scheduling the Board to sit as a Committee of the Whole on March 27, 2012, at 3 p.m., to hold a public hearing on amendments to a Resolution approving the 34th America's Cup Project and related transactions, and a Resolution of Intent to Form the Waterfront Infrastructure Financing District.

**Motion No.** M12-029

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

### 120138 [Changing Official Sidewalk Width - Portions of Golden Gate Avenue, Polk Street, and Redwood Alley]

Ordinance: 1) amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1593 to change the official sidewalk width of a) Golden Gate Avenue starting at the southwest corner of the intersection of Golden Gate Avenue and Polk Street and continuing west 104 feet, b) Polk Street starting at the southwest corner of the intersection of Golden Gate Avenue and Polk Street and continuing south for 78 feet, and c) Redwood Alley starting at the northwest corner of the intersection of Polk Street and Redwood Alley and continuing west for 173 feet; 2) making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and 3) requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

02/06/12; RECEIVED FROM DEPARTMENT.

02/28/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/22/2012.

### 120163 [Settlement of Lawsuit - Patricia Banks - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Patricia Banks against the City and County of San Francisco for $50,000; the lawsuit was filed on August 5, 2009, in San Francisco Superior Court, Case No. CGC-09-491089; entitled Patricia Banks, et al. v. City and County of San Francisco, et al. (City Attorney)

02/17/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Rules Committee.

### 120164 [Settlement of Lawsuit - Pacific States Environmental Contractors, Inc. - $425,000]

Ordinance authorizing settlement of the lawsuit filed by Pacific States Environmental Contractors, Inc., against the City and County of San Francisco for $425,000; the lawsuit was filed on November 20, 2009, in San Mateo County Superior Court and subsequently transferred to San Francisco County Superior Court, Case No. CGC-10-501403, entitled Pacific States Environmental Contractors, Inc. v. City and County of San Francisco, et al.; other material terms of the settlement are: 1) mutual releases except for latent defects, 2) dismissal of the complaint with prejudice, and 3) each side to bear its own attorneys fees and costs. (City Attorney)

02/17/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

### 120139 [Airport Concession Lease - Hudson Group (HG) Retail, LLC]

Resolution approving the Terminal 3 News and Specialty Store Lease between Hudson Group (HG) Retail, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

02/10/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120140 [Real Property Lease - 2712 Mission Street - Annual Rent of $768,000]

Resolution authorizing a ten-year lease of 2712 Mission Street from Redwood Mortgage Investors VIII, A California Limited Partnership, for the Department of Public Health at an initial annual rent of $768,000. (Real Estate Department)

02/13/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120141 [Permit of Northeast-Facing Wall Sign - Total Outdoor Corporation - 1650 Mission Street]

Resolution authorizing the execution of a permit to enter and use property (the Permit) for installation and maintenance of a northeast-facing wall sign at 1650 Mission Street by and between the City and County of San Francisco and Total Outdoor Corporation, a Delaware Corporation, permittee.

02/13/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120160 [Airport Concession Lease Amendment - Boarding Area B and C Books and News Store - Gateway Concessions, LLC]

Resolution Approving Amendment No. 1 to Boarding Area B and C Books and News Store Lease No. 04-0231 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission.

02/14/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120161 [Settlement of Claim - Sally Bowman - $70,000]

Resolution approving the settlement of the unlitigated claim filed by Sally Bowman against the City and County of San Francisco for $70,000; claim was filed on May 24, 2011. (City Attorney)

02/17/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Rules Committee.

### 120162 [Settlement of Unlitigated Claim - James Murray - $43,500]

Resolution approving the settlement of the unlitigated claim filed by James Murray against the City and County of San Francisco for $43,500; claim was filed on April 06, 2011. (City Attorney)

02/17/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Rules Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:16 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAR - 9 2012

SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, March 6, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 2nd and 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the City Operations and Neighborhood Services Committee

**111381 [Liquor License Transfer - 1525 Mission Street]**

Resolution determining that the premise to premise transfer of a Type 48 on-sale general public premises liquor license from 1525 Mission Street to 1525 Mission Street (District 6), for expansion of public occupancy into adjacent portion of the building, to Mark E. Rennie for ZFC Concepts, LLC, dba Sloane Square[d], will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**ADOPTED**

**120032 [Liquor License - 835 Hyde Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Euphoria Hospitality, Inc., for the Lobby Bar, located at 835 Hyde Street (The Nob Hill Hotel) (District 3), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**ADOPTED**

### 120146 [Accept and Expend Grant - San Francisco Health in All Policies: Transforming Places, Empowering People - $815,358]

**Sponsor: Mar**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $815,358 from the Centers for Disease Control and Prevention to participate in a program entitled "San Francisco Health in All Policies: Transforming Places, Empowering People" for the period of September 30, 2011, through September 29, 2012.

**ADOPTED**

### 120147 [Accept and Expend Grant - Viral Hepatitis Surveillance - $137,933]

**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $137,933 from the Public Health Foundation Enterprises, Inc., to participate in a program entitled "Viral Hepatitis Surveillance in the City and County of San Francisco" for the period of January 1, 2012, through October 31, 2012, and waiving indirect costs.

**ADOPTED**

## Recommendations of the Rules Committee

### 111079 [Administrative Code - Additional Pre-Approval Notice for Certain City Projects]

**Sponsor: Farrell**

Ordinance amending the San Francisco Administrative Code by adding Chapter 79A to expand upon the minimum notice requirements prior to approval of a City project that are mandated by the Citizens' Right-to-Know Act of 1998.

**FINALLY PASSED**

### 120135 [Settlement of Unlitigated Claim - Kinuko Jorgensen - $26,226.57]

Resolution approving the proposed settlement of the case of Kinuko Jorgensen vs. the City and County of San Francisco for $26,226.57, Unlitigated Claim No. 12-00302. (City Attorney)

**ADOPTED**

### 120136 [Settlement of Unlitigated Claim - Debra Reed - $37,500]

Resolution approving the settlement of the unlitigated claim filed by Debra Reed vs. the City and County of San Francisco for $37,500; claim was filed on April 10, 2011. (City Attorney)

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Public Safety Committee

**111029 [Environment Code - Tenant Bicycle Parking in Existing Commercial Buildings]**

**Sponsors: Avalos; Kim, Mar, Campos, Olague and Chiu**

Ordinance amending the San Francisco Environment Code, Section 400, and adding Section 402, to: 1) require the owners of existing commercial buildings to either provide secure bicycle parking in their buildings or allow their tenants to bring their bicycles into the building; 2) provide that the Ordinance's operative date is January 1, 2012, or 30 days from the effective date of the Ordinance, whichever is later; and 3) make environmental findings.

**Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Noes: 2 - Chu, Elsbernd

### Recommendations of the Rules Committee

**111189 [Administrative Code - Right to Counsel in Civil Matters]**

**Sponsors: Chiu, Kim, Wiener, Olague, Farrell, Campos and Cohen**

Ordinance amending the San Francisco Administrative Code by adding Article 58, Sections 58.1 through 58.3 to: 1) declare San Francisco to be a Right to Civil Counsel City; and 2) declare the intent of the Board of Supervisors to create a one-year San Francisco Right to Civil Counsel pilot program.

**FINALLY PASSED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Noes: 2 - Chu, Elsbernd

**111277 [Campaign and Governmental Conduct Code - Certification of Supervisorial Candidates' Eligibility for Public Financing in 2012]**

**Sponsor: Cohen**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.142 to delay the certification of 2012 supervisorial candidates seeking public financing until the Redistricting Task Force completes its revision of supervisorial district boundaries.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120121 [Appointments, Small Business Commission - Monetta White and William Ortiz-Cartagena]**

Motion appointing Monetta White and William Ortiz-Cartagena, terms ending January 6, 2016, to the Small Business Commission. (Clerk of the Board)

**Motion No.** M12-030

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**120122 [Appropriating $3,448,350 Consisting of Fund Balance and Re-appropriating $1,800,000 to the Port Commission in FY2011-2012]**

**Sponsors: Mayor; Chiu**

Ordinance appropriating $3,448,350 consisting of $3,448,350 in fund balance and re-appropriating $1,800,000 from 2010 Revenue Bond funded projects to the Port Commission in FY2011-2012 for the development of the Mixed-Use Cruise Terminal at Pier 27.
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120141 [Permit of Northeast-Facing Wall Sign - Total Outdoor Corporation - 1650 Mission Street]**

Resolution authorizing the execution of a permit to enter and use property (the Permit) for installation and maintenance of a northeast-facing wall sign at 1650 Mission Street by and between the City and County of San Francisco and Total Outdoor Corporation, a Delaware Corporation, permittee. (Real Estate Department)

**Supervisor Olague, seconded by Supervisor Campos, moved that this Resolution be REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

### From the Budget and Finance Committee Without Recommendation

**120120 [Appropriating $706,500 of Fund Balance to the Department of Public Works - Jefferson Street Streetscape Improvement - FY2011-2012]**

**Sponsors: Mayor; Chiu**

Ordinance appropriating $706,500 consisting of $706,500 in fund balance to the Department of Public Works in FY2011-2012 for the design of Jefferson Street Streetscape Improvements.
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Government Audit and Oversight Committee

### 120148 [Setting the 2012 Budget and Legislative Analyst Services Audit Plan]

**Sponsor: Farrell**

Motion directing the Budget and Legislative Analyst to conduct three performance audits in 2012 and setting the priority as follows: 1) the Department of Public Health's and Human Services Agency's management of professional services contracts; 2) City departments' management and oversight of the former San Francisco Redevelopment Agency's assets and functions; and 3) the Adult Probation and Sheriff's Departments' implementation of Public Safety Realignment.

**Motion No.** M12-031

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120149 [Setting the 2012 Budget and Legislative Analyst Services Work Plan]

**Sponsor: Farrell**

Motion approving the Budget and Legislative Analyst Services work plan for 2012, which: 1) allocates hours for calendar year 2012, 2) authorizes the Budget and Legislative Analyst to reallocate up to 10% of the hours between service categories based on Board of Supervisors service needs, and 3) requires Board of Supervisors approval of hours re-allocation greater than 10%; and establishes performance goals and sets a date for the 2012 annual performance evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

**Motion No.** M12-032 .

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Land Use and Economic Development Committee

### 111315 [Planning Code - Automobile Sale or Rental in NC-S Districts]

**Sponsor: Elsbernd**

Ordinance amending the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

### Privilege of the Floor

**Supervisor Avalos, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*WOMEN'S HISTORY MONTH 2012*
*Privilege of the floor was granted to Kay Gulbengay, President (Commission on the Status of Women) and Emily Murase, Executive Director (Department on the Status of Women) who spoke on Women's History Month and the individuals recognized.*

*Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Women's History Month, their accomplishments, and their continued community support as referenced below:*

*Supervisor Avalos recognized Maritza DiCicco;*
*Supervisor Campos recognized Jene Rita Alviar;*
*Supervisor Chiu recognized Germaine Wong;*
*Supervisor Chu recognized Melissa Ma;*
*Supervisor Cohen recognized Dorris Vincent;*
*Supervisor Elsbernd recognized Olivia Scanlon;*
*Supervisor Farrell recognized Melissa Rich;*
*Supervisor Kim recognized Lolita Kintanar;*
*Supervisor Mar recognized Pamela Clisham;*
*Supervisor Olague recognized Sheila Harris-Young, Toni Young, and Nancy Sheftel-Gomes; and*
*Supervisor Wiener recognized Beth Spotswood, Catherine Bergstorm, and Kate Ryken (aka Phoenixes).*

*100TH ANNIVERSARY OF GIRL SCOUTS*
*Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Anastasia Wong of the Girl Scouts in recognition of the 100th Anniversary of Girl Scouts, their accomplishments, and continued community support.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

*Supervisor Campos was noted absent at 2:44 p.m. and noted present at 3:01 p.m.*
*Supervisor Kim was noted absent at 2:45 p.m. and noted present at 3:20 p.m.*
*Supervisor Mar was noted absent at 2:47 p.m. and noted present at 3:04 p.m.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Emil Lawrence; expressed various concerns.*
*Douglas Yep; expressed various concerns.*
*Matt Cohen; spoke in support of the legislation opposing Assembly Bill 1678.*
*Bobby Tsing; spoke in support of the legislation opposing Assembly Bill 1678.*
*Male Speaker; spoke in support of the legislation opposing Assembly Bill 1678.*
*Julie New; spoke in support of the legislation opposing Assembly Bill 1678.*
*Hi Chen; spoke in support of the legislation opposing Assembly Bill 1678.*
*Female Speaker; spoke in support of the legislation opposing Assembly Bill 1678.*
*Eric Tai; spoke in support of the legislation opposing Assembly Bill 1678.*
*Tony Wolfe; expressed concerns relating to medical cannabis.*
*Fiona; expressed various concerns.*
*Doug Milar; expressed various concerns.*
*Peter Alexander; spoke regarding various corruption concerns.*
*Female Speaker; spoke regarding the Central Subway project.*
*Tim Bolcuma; spoke in support of the legislation opposing Assembly Bill 1678.*
*Joseph Fernandez; spoke in support of the legislation opposing Assembly Bill 1678.*
*Olivia Pill; spoke in support of the legislation opposing Assembly Bill 1678.*
*Female Speaker; spoke in support of the legislation opposing Assembly Bill 1678.*
*Ray Hartz; expressed concerns relating to government.*
*Maureen Dunn; spoke regarding a dispute with her neighbor.*
*Carrie Kim; spoke in support of the legislation opposing Assembly Bill 1678.*
*Male Speaker; expressed various religious concerns.*
*Caroline Guibert; spoke in opposition to the landmark designation of the Gold Dust Lounge.*

*Supervisor Olague was noted absent at 2:53 p.m. and noted present at 3:12 p.m.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120202 [Girl Scout Week - March 11-17, 2012]

**Sponsors: Chu; Cohen, Olague and Avalos**

Resolution commemorating the 100th anniversary of Girl Scouts and declaring March 11-17, 2012, as "Girl Scout Week" in the City and County of San Francisco.

ADOPTED

### 120203 [Accept and Expend Grant - Infertility Prevention Project Training Program - $41,892]

**Sponsor: Chu**

Resolution authorizing the Department of Public Health to accept and expend retroactively a state grant in the amount of $41,892 from the California Family Health Council to participate in a program entitled "Infertility Prevention Project Training Program" for the period of January 1, 2012, through December 31, 2012.

ADOPTED

### 120204 [San Francisco Gay Softball League Day - March 11, 2012]

**Sponsors: Wiener; Campos**

Resolution celebrating the 40th anniversary of the San Francisco Gay Softball League and proclaiming March 11, 2012, to be "San Francisco Gay Softball League Day" in the City and County of San Francisco.

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

### 120206 [Accept and Expend Grant - Chemoprophylaxis for HIV Prevention in Men Expansion - $20,614]

**Sponsors: Wiener; Campos**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $20,614 from Family Health International, to participate in a program entitled "Chemoprophylaxis for HIV Prevention in Men Expansion" for the period of October 1, 2011, through May 31, 2012.

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

### 120207 [Accept and Expend Grant - Enhancing Pre-Exposure Prophylaxis in Community Setting - $21,262]

**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $21,262 from Public Health Foundation Enterprises, Inc., to participate in a program entitled "Enhancing Pre-Exposure Prophylaxis in Community Setting" for the period of October 1, 2011, through June 30, 2012.

**ADOPTED**

### 120208 [Accept and Expend Grant - HIV Evaluation Activities with High Risk, Underserved Population in South Africa - $44,043]

**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $44,043 from the University of California San Francisco, to participate in a program entitled "HIV Evaluation Activities with High Risk, Underserved Population in South Africa" for the period of September 30, 2011, through September 29, 2012.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Wiener requested that File No. 120205 be severed so that it may be considered separately.*

### 120205 [Opposing Assembly Bill 1678 - Regarding Restrictions on Food Trucks' Proximity to Schools]

**Sponsors: Wiener; Chiu, Olague and Campos**

Resolution opposing Assembly Bill 1678, regarding restrictions on food trucks' proximity to schools.

*Supervisor Campos requested to be added as a co-sponsor.*

**Supervisor Wiener, seconded by Supervisor Mar, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**Supervisor Wiener, seconded by Supervisor Mar, moved that this Resolution be CONTINUED AS AMENDED to March 13, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCE

### 120187 [Settlement of Lawsuit - Airis v. CCSF, et al. - $7,500,000]

Ordinance authorizing settlement of the lawsuit filed by Airis SFO, LLC, Airis Holdings, LLC, and Duane Morris LLP ("Airis") against the City and County of San Francisco (the "City") for $7,500,000; the lawsuit was filed on July 15, 2005, in San Mateo Superior Court, Case No. 448274, entitled Airis SFO, LLC, et al. v. City and County of San Francisco, et al.; other material terms include a full and final release by Airis of all claims for attorneys' fees, costs, and post judgment interest. (City Attorney)

02/27/12; RECEIVED FROM DEPARTMENT.

03/06/12; RECEIVED AND ASSIGNED to Rules Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:02 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

**Tuesday, March 13, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

***Angela Calvillo, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:04 p.m. On the call of the roll, Supervisor Kim was noted absent. There was a quorum.*

## AGENDA CHANGES

*There were none.*

*Supervisor Kim was noted present at 2:06 p.m.*

## APPROVAL OF MEETING MINUTES

**Supervisor Campos, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of January 31, 2012, and February 7, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*There were none.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

**120177 [Formal Policy Discussions - March 13, 2012]**

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 3, 5, 9, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Mr. Mayor, in November 2007, the voters of San Francisco passed Proposition I, which created the Office of Small Business to support small businesses, among other things, in complying with the laws and regulations administered by the 14 City departments that impact small business. As drafted by the Small Business Commission, Prop I specifically stated that within four months of the Office's opening, the Office "shall issue a report that analyzes the existing laws, regulations, roles, procedures and responsibilities of all City departments that impact small businesses and make recommendations regarding the streamlining and consolidation of such departmental functions under the Office of Small Business."

However, as of today, four years later, the Office has not issued that report, nor made any such recommendations, and the executive branch has not yet engaged in efforts to streamline or consolidate the functions of the 14 different City departments from which 80,000 small businesses must seek approvals to do business in San Francisco.

Mr. Mayor, will you commit to carrying out the mandates of Proposition I to streamline City government to help small businesses, and will you commit to delivering a report within the next four months with recommendations that you will act on? (Supervisor Chiu, District 3)

2. With the dissolution of the San Francisco Redevelopment Agency on February 1, 2012, and the new formation of the Redevelopment Successor Agency Oversight Board, what are your plans to ensure that community voices will be heard through the Community Advisory Committees in a meaningful way, despite the lack of staffing and shortage of resources? (Supervisor Olague, District 5)

3. There have been news articles claiming that you plan to attach strings to the release of any rainy day funds to the San Francisco Unified School District (SFUSD). Specifically, the articles claim that you will not release funds that will help SFUSD avoid teacher lay-offs unless the district sells off its surplus property. Whether selling surplus property is a good way of budgeting is an open question. Those of us who have supported the rainy day fund are concerned that these comments, if true, are inconsistent with the letter and spirit of the rainy day fund, which already outlines how the funds are supposed to be distributed. Can you please explain your position, and what would you say to the thousands of parents who may be concerned about what has been reported? (Supervisor Campos, District 9)

4. Although District 11 has some great parks and we are adjacent to San Francisco's second largest park - McLaren, our streets lack the robust urban forest that other districts benefit from. I have worked closely with the Department of Public Works and Friends of the Urban Forest to increase our district's green space and green canopy, however, there is much more we can do. Given that we just celebrated the 140th Anniversary of Arbor Day in District 11 this past weekend, I would like to know what the City's intention is towards completing the Alemany Street Greening Project. Currently, the median has only been greened from Lyell to Niagara. Does the City have plans to green the remainder of Alemany from Niagara to the Daly City border? And if so, what is the timeline for this plan? (Supervisor John Avalos, District 11)

*Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.*

HEARD AND FILED

# CONSENT AGENDA

## Recommendation of the Budget and Finance Committee

### 120122 [Appropriating $3,448,350 Consisting of Fund Balance and Re-appropriating $1,800,000 to the Port Commission in FY2011-2012]

**Sponsors: Mayor; Chiu**

Ordinance appropriating $3,448,350 consisting of $3,448,350 in fund balance and re-appropriating $1,800,000 from 2010 Revenue Bond funded projects to the Port Commission in FY2011-2012 for the development of the Mixed-Use Cruise Terminal at Pier 27.
(Fiscal Impact)

FINALLY PASSED

## Recommendation of the Land Use and Economic Development Committee

### 111315 [Planning Code - Automobile Sale or Rental in NC-S Districts]

**Sponsor: Elsbernd**

Ordinance amending the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

## Recommendation of the Public Safety Committee

### 120143 [Approval of the Youth Violence Prevention Initiative: Local Action Plan - 2012 Update]

**Sponsors: Avalos; Mar**

Resolution approving the San Francisco Juvenile Justice Coordinating Council's Youth Violence Prevention Initiative: Local Action Plan - 2012 Update.

ADOPTED

## Recommendations of the Rules Committee

### 111179 [Appointment, Public Utilities Revenue Bond Oversight Committee - Karen Donovan]

Motion appointing Karen Donovan, term ending November 12, 2015, to the Public Utilities Revenue Bond Oversight Committee. (Clerk of the Board)

**Motion No.** M12-033

APPROVED

### 120066 [Appointment, Citizen's Advisory Committee for the Central Market Street and Tenderloin Area - Daniel Hlad]

Motion appointing Daniel Hlad, term to be determined, to the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area. (Clerk of the Board)

**Motion No.** M12-034

**APPROVED**

### 120173 [Appointment, Immigrant Rights Commission - Bill Ong Hing]

Motion appointing Bill Ong Hing, term ending June 6, 2014, to the Immigrant Rights Commission. (Clerk of the Board)

**Motion No.** M12-035

**APPROVED**

### 120174 [Appointments, SRO Task Force - Joshua Vining and Pratibha Tekkey]

Motion appointing Joshua Vining and Pratibha Tekkey, terms ending December 31, 2012, to the SRO Task Force, residency requirement waived. (Clerk of the Board)

**Motion No.** M12-036

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Budget and Finance Committee Without Recommendation

### 120120 [Appropriating $706,500 of Fund Balance to the Department of Public Works - Jefferson Street Streetscape Improvement - FY2011-2012]

**Sponsors: Mayor; Chiu**

Ordinance appropriating $706,500 consisting of $706,500 in fund balance to the Department of Public Works in FY2011-2012 for the design of Jefferson Street Streetscape Improvements. (Fiscal Impact)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Public Safety Committee

**111029 [Environment Code - Tenant Bicycle Parking in Existing Commercial Buildings]**
**Sponsors: Avalos; Kim, Mar, Campos, Olague and Chiu**
Ordinance amending the San Francisco Environment Code, Section 400, and adding Section 402, to: 1) require the owners of existing commercial buildings to either provide secure bicycle parking in their buildings or allow their tenants to bring their bicycles into the building; 2) provide that the Ordinance's operative date is January 1, 2012, or 30 days from the effective date of the Ordinance, whichever is later; and 3) make environmental findings.

**FINALLY PASSED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Noes: 2 - Chu, Elsbernd

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**120190 [Accept and Expend Grant - 2011 Homeland Security Grant Program and Amendment to Annual Salary Ordinance - $1,434,644]**
**Sponsor: Mayor**
Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY2011 Homeland Security Grant Program grant in the amount of $1,434,644 from the United States Department of Homeland Security, through the California Emergency Management Agency, for building and sustaining preparedness capabilities; and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012 and FY2012-2013) to provide for the creation of one (1) grant-funded 0931 Manager III position (1 FTE) in the Department of Emergency Management.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120139 [Airport Concession Lease - Hudson Group (HG) Retail, LLC]**
Resolution approving the Terminal 3 News and Specialty Store Lease between Hudson Group (HG) Retail, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120140 [Real Property Lease - 2712 Mission Street - Annual Rent of $768,000]**
Resolution authorizing a ten-year lease of 2712 Mission Street from Redwood Mortgage Investors VIII, A California Limited Partnership, for the Department of Public Health at an initial annual rent of $768,000. (Real Estate Department)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120144 [Accept and Expend Grant - Wolfe Lane Community Garden Plot Terraces Rebuild - $116,000]

**Sponsor: Campos**

Resolution authorizing the Department of Recreation and Park to retroactively accept and expend a grant valued at $116,000 from the San Francisco Conservation Corps to rebuild community garden plot terraces at Wolfe Lane Community Garden.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120145 [Accept and Expend Grant - Teen Center Learning Lab at Main Library and Citywide Framework - $99,680]

**Sponsor: Kim**

Resolution authorizing the Department of Public Library to retroactively accept and expend a grant in the amount of $99,680 from the Institute of Museum and Library Services for a planning process, in partnership with the Bay Area Video Coalition, the California Academy of Sciences, and KQED to achieve two primary goals to: 1) develop a vision, program design, and test a Teen Center Learning Lab at the Main Library; and 2) develop a citywide framework for incorporating content-based curriculum in a shared online platform, with the help of a broad consortium of youth service providers and a team of youth leaders across the City.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120160 [Airport Concession Lease Amendment - Boarding Area B and C Books and News Store - Gateway Concessions, LLC]

Resolution retroactively approving Amendment No. 1 to Boarding Area B and C Books and News Store Lease No. 04-0231 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120194 [Issuance of Tax-Exempt Revenue Obligation Bonds - The California School of Mechanical Arts (Lick-Wilmerding High School) - Not to Exceed $17,000,000]

**Sponsor: Avalos**

Resolution approving in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, the issuance of tax-exempt obligations by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $17,000,000 for the refinancing of various capital facilities owned by The California School of Mechanical Arts (Lick-Wilmerding High School).

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120200 [Lease for Real Property - China Basin Ballpark Company, LLC. - Seawall Lot 337]

**Sponsors: Mayor; Chiu, Kim and Elsbernd**

Resolution approving Port Commission Lease No. L-14980 with China Basin Ballpark Company, LLC. (CBBC), for certain real property located at Seawall Lot 337 ("SWL 337"), including a license for certain areas of Pier 48 Shed A, Shed C, the Pier 48 Valley, and access to SWL 337 from surrounding public rights of way in the City and County of San Francisco for a term of five years. (Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Public Safety Committee

### 120046 [Administrative Code - Establish Policy Regarding Participation in Federal Counterterrorism Activities]

**Sponsors: Kim; Avalos, Campos, Chiu, Olague and Mar**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.84 to: 1) set City policy regarding participation in federal counterterrorism activities; 2) set parameters for Police Department participation in the activities of the Federal Bureau of Investigation's Joint Terrorism Task Force and other counterterrorism activities; 3) urging the Chief of Police to amend or terminate the current agreement between the Police Department and the Federal Bureau of Investigation regarding the Joint Terrorism Task Force; and 4) urging the Police Commission to direct the Chief to amend or terminate that agreement.

**Supervisor Kim, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Ordinance amending the San Francisco Administrative Code by adding Section 2A.84 to: 1) set City policy regarding participation in federal counterterrorism activities; and 2) set parameters for Police Department participation in the activities of the Federal Bureau of Investigation's Joint Terrorism Task Force and other counterterrorism activities.

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Olague
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

### 110983 [Employment Policies and Procedures Regarding Criminal History]

Resolution authorizing the City and County of San Francisco to access state and federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation. (Human Resources Department)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Rules Committee

**120044 [Administrative Code - Reporting Responsibilities Relating to the Centralized and Publicly Accessible Online Database of Appointments to Advisory Bodies]**
**Sponsor: Chiu**
Ordinance amending the San Francisco Administrative Code Sections 1.57-2 through 1.57-5, to clarify the reporting responsibilities relating to the centralized and publicly accessible online database of information concerning appointments to City and County of San Francisco advisory bodies.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Kim was noted absent at 3:10 p.m. and present at 3:20 p.m.*

## Supervisor Olague Excused from Voting

**Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Olague be excused from voting on File No. 120175. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Wiener
Excused: 1 - Olague
Absent: 1 - Kim

**120175 [Appointment, San Francisco LAFCo - Supervisor Christina Olague]**
Motion appointing Supervisor Christina Olague, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

**Motion No.** M12-037

**APPROVED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Wiener
Excused: 1 - Olague
Absent: 1 - Kim

# SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

*There were none.*

## COMMITTEE REPORTS

**120141 [Permit of Northeast-Facing Wall Sign - Total Outdoor Corporation - 1650 Mission Street]**

Resolution authorizing the execution of a permit to enter and use property (the Permit) for installation and maintenance of a northeast-facing wall sign at 1650 Mission Street by and between the City and County of San Francisco and Total Outdoor Corporation, a Delaware Corporation, permittee. (Real Estate Department)

*This item was not sent as a Committee Report.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Catherine Hill; shared in song certain concerns with the Board.*
*Male Speaker; expressed various religious concerns.*
*Stefano Castellato; spoke on various concerns.*

*Supervisor Wiener was noted absent at 3:24 p.m. and present at 3:39 p.m.*
*Supervisor Chu was noted absent at 3:34 p.m. and present at 3:39 p.m.*

## CLOSED SESSION

## CONFERENCE WITH LABOR NEGOTIATORS

**120233 [Closed Session - Update on Labor Negotiations]**

**Sponsor: Chiu**

Hearing that the Board of Supervisors convene in closed session on March 13, 2012, with the Mayor's Office and the Department of Human Resources regarding negotiations with labor unions representing City employees.

This closed session is permitted by Government Code Section 54957.6 and the San Francisco Administrative Code Section 67.10(e).

*The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.*

*CONVENED IN CLOSED SESSION*

*The Board recessed at the hour of 3:50 p.m. to convene in closed session pursuant to File No. 120231 (Motion No. M12-038). The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Persons in attendance:*
*Cheryl Adams, Deputy City Attorney*
*Monique Zmuda, Deputy Controller*
*Martin Gran, Director of Employee Relations*
*Micki Callahan, Director of Department of Human Resources*
*Kate Howard, Director, Mayor's Office of Public Policy and Finance*
*Angela Calvillo, Clerk of the Board*
*Alisa Miller, Office of the Clerk of the Board*

*Matter was HEARD in Closed Session and FILED.*

*RECONVENING OF THE BOARD*

*The Board at the hour of 4:36 p.m. reconvened. The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*[Elect Not to Disclose]*
*Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.*

**Supervisor Farrell, seconded by Supervisor Avalos, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120230 [Commending Our Kids First Day - March 17, 2012]

**Sponsor: Avalos**

Resolution commending Our Kids First for their dedication and support of San Francisco's children, particularly those in the Outer Mission neighborhood, and proclaiming March 17, 2012, to be "Our Kids First Day" in the City and County of San Francisco.

**ADOPTED**

### 120231 [Closed Session - Update on Labor Negotiations]

**Sponsor: Chiu**

Motion that the Board of Supervisors convene in closed session on March 13, 2012, with the Mayor's Office and the Department of Human Resources pursuant to Section 67.10(e) of the San Francisco Administrative Code and Section 54957.6 of the California Government Code regarding negotiations with labor unions representing City employees.

**Motion No.** M12-038

**APPROVED**

### 120232 [Accept and Expend Grant - Accessibility Training and Improving Polling Place Accessibility - $20,000]

**Sponsor: Farrell**

Resolution authorizing the Department of Elections to accept and expend Help America Vote Act (HAVA) Section 261 funds in an amount not to exceed $20,000 for improving polling place accessibility in accordance with the California Secretary of State's Accessibility Training Program.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Wiener requested that File No. 120205 be severed so that it may be considered separately.*

### 120205 [Opposing Assembly Bill 1678 - Regarding Restrictions on Food Trucks' Proximity to Schools]

**Sponsors: Wiener; Chiu, Olague and Campos**

Resolution opposing Assembly Bill 1678, regarding restrictions on food trucks' proximity to schools.

**Supervisor Wiener, seconded by Supervisor Campos, moved that this Resolution be TABLED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Elsbernd requested that File No. 120214 be severed so that it may be considered separately.*

### 120214 [Authorizing Preparation of Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 5, 2012, Consolidated General Municipal Election]

Motion authorizing preparation of written proponent and opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 5, 2012, Consolidated General Municipal Election. (Clerk of the Board)

**Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Motion be AMENDED by authorizing Supervisors Wiener and Elsbernd to prepare opponent ballot arguments and rebuttal ballot arguments for Garbage Collection and Disposal and Coit Tower, respectively. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Motion authorizing preparation of written opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 5, 2012, Consolidated General Municipal Election. (Clerk of the Board)

**Motion No.** M12-039

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were none.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

**120181 [Settlement of Lawsuit - Christine Peterson - $34,000]**

Ordinance authorizing settlement of the lawsuit filed by Christine Peterson against the City and County of San Francisco for $34,000; the lawsuit was filed on November 25, 2009, in San Francisco Superior Court, Case No. CGC-09-494798 (Consolidated with Case No. CGC-10-500217); entitled Christine Peterson, et al. v. City and County of San Francisco, et al. (City Attorney)

02/29/12; RECEIVED FROM DEPARTMENT.

03/13/12; RECEIVED AND ASSIGNED to Rules Committee.

**120182 [Settlement of Lawsuit - Wilma Espinosa - $275,000]**

Ordinance authorizing settlement of the lawsuit filed by Wilma Espinosa against the City and County of San Francisco for $275,000; the lawsuit was filed on March 9, 2011, in San Francisco Superior Court, Case No. CGC-11-508999; entitled Wilma Espinosa, et al. v. City and County of San Francisco, et al. (City Attorney)

03/05/12; RECEIVED FROM DEPARTMENT.

03/13/12; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

**120178 [2012 Annual Joint Fundraising Drive]**

Resolution designating those agencies qualified to participate in the 2012 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

02/21/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:38 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT DOCUMENTS DEPT
MAR 23 2012
SAN FRANCISCO PUBLIC LIBRARY

**Tuesday, March 20, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, and Christina Olague

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:05 p.m. On the call of the roll, Supervisors Chu, Cohen, and Wiener were noted absent. There was a quorum.*

### Supervisors Chu, Cohen, and Wiener Excused from Voting

**Supervisor Elsbernd, seconded by Supervisor Campos, moved that Supervisors Chu, Cohen, and Wiener be excused from voting. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of February 14, 2012. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendation of the Budget and Finance Committee

**120190 [Accept and Expend Grant - 2011 Homeland Security Grant Program and Amendment to Annual Salary Ordinance - $1,434,644]**

**Sponsor: Mayor**

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY2011 Homeland Security Grant Program grant in the amount of $1,434,644 from the United States Department of Homeland Security, through the California Emergency Management Agency, for building and sustaining preparedness capabilities; and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012 and FY2012-2013) to provide for the creation of one (1) grant-funded 0931 Manager III position (1 FTE) in the Department of Emergency Management.

FINALLY PASSED

### Recommendations of the City Operations and Neighborhood Services Committee

**120165 [Liquor License - 1749 Union Street]**

Resolution determining that the issuance of a Type 20 off-sale beer and wine license to 1749 Union Street (District 2), to Lorrie Hoel for Wine's About You, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

**120166 [Liquor License Transfer - 351 California Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 2339-3rd Street to 351 California Street (District 3), to LandMark Retail Group for CVS Pharmacy, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

### Recommendation of the Rules Committee

**120044 [Administrative Code - Reporting Responsibilities Relating to the Centralized and Publicly Accessible Online Database of Appointments to Advisory Bodies]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Administrative Code Sections 1.57-2 through 1.57-5, to clarify the reporting responsibilities relating to the centralized and publicly accessible online database of information concerning appointments to City and County of San Francisco advisory bodies.

FINALLY PASSED

**The foregoing items were acted upon by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendation of the Public Safety Committee

### 120046 [Administrative Code - Establish Policy Regarding Participation in Federal Counterterrorism Activities]

**Sponsors: Kim; Avalos, Campos, Chiu, Olague and Mar**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.84 to: 1) set City policy regarding participation in Federal counterterrorism activities; and 2) set parameters for Police Department participation in the activities of the Federal Bureau of Investigation's Joint Terrorism Task Force and other counterterrorism activities.

**Supervisor Kim, seconded by Supervisor Olague, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to March 27, 2012. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

### 120049 [Appropriating $1,000,000 for the Small Business Revolving Loan Fund Program - Office of Economic and Workforce Development]

**Sponsors: Mayor; Chiu, Wiener, Olague, Farrell, Kim and Cohen**

Ordinance appropriating $1,000,000 of General Fund prior year fund balance for the Small Business Revolving Loan Fund Program in the Office of Economic and Workforce Development for FY2011-2012 and placing $500,000 on Budget and Finance Committee Reserve pending an update on the program.
(Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

### 120197 [Accept and Expend Grant - Nurse Family Partnership - $650,123]

**Sponsor: Cohen**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a Federal pass-through State grant in the amount of $650,123 from the California Department of Public Health to participate in a program entitled "Nurse Family Partnership" for the period of February 1, 2012, through June 30, 2012.

**ADOPTED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

### 120198 [Accept and Expend Grant - State Vocational Rehabilitation Services Program - $135,600]

**Sponsor: Cohen**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a State grant in the amount of $135,600 from the Department of Rehabilitation to participate in a program entitled "State Vocational Rehabilitation Services Program" for the period of July 1, 2010, through June 30, 2013, waiving indirect costs.

**ADOPTED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

### 120199 [Contract Amendment - Stratus Technologies, Inc. - $3,486,580 and Extended Term]

**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Emergency Management to enter into the Ninth Amendment of an Agreement between the City and County of San Francisco and Stratus Technologies, Inc., to increase the contract amount to $3,486,580 and extend the term of the Agreement through June 30, 2014.
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

## Recommendation of the City Operations and Neighborhood Services Committee

### 120196 [Accept and Expend Grant - Cayuga Playground and Clubhouse - $710,779]

**Sponsor: Avalos**

Resolution authorizing the Recreation and Parks Department to retroactively accept and expend an Urban Greening grant in the amount of $710,779 for Cayuga Playground and Clubhouse funded by the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).

**ADOPTED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

## Recommendation of the Land Use and Economic Development Committee

**120075 [Street Encroachment - Bus Stop Signs - Golden Gate Transit Bus Routes]**
**Sponsor: Elsbernd**

Resolution: 1) granting revocable permission to Golden Gate Bridge Highway and Transportation District (Golden Gate Transit) to occupy portions of the public right-of-way to replace existing bus stop signs and install and maintain new bus stop signs at various locations along existing Golden Gate Transit bus routes; and 2) making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

*Supervisor Elsbernd requested to be added as sponsor.*

**ADOPTED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

# SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

*There were none.*

*The Board recessed at the hour of 2:57 p.m. The Board reconvened at the hour of 4:00 p.m. The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Elsbernd, Farrell, Olague. Supervisor Kim was noted present at 4:01 p.m.*

# SPECIAL ORDER 4:00 P.M.

**120183 [Public Hearing - Conditional Use Appeal - 1111 California Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's January 19, 2012, approval of a Conditional Use Authorization identified as Planning Case No. 2011.0471C, by its Motion No. 18520, pursuant to Planning Code Sections 185(e) and 303, to continue the existing non-conforming assembly and entertainment uses of the "Nob Hill Masonic Center", and to continue the existing food and beverage service uses within the center, on a property within the RM-4 (Residential Mixed, Medium Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District, located at 1111 California Street, Assessor's Block No. 0253, Lot No. 020. (District 3) (Appellants: Stephen Gomez on behalf of the Nob Hill Coalition, James Wall on behalf of the Nob Hill Association, William Terrell, Elizabeth Pomada, Donna Muse, and Aldo Caccamo) (Filed February 21, 2012).

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance. There were no speakers.*

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to March 27, 2012. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Olague
Excused: 3 - Chu, Cohen, Wiener
Absent: 1 - Mar

*The President CONTINUED the Hearing open to March 27, 2012.*

### 120184 [Approving Planning Commission Decision Related to Conditional Use Authorization - 1111 California Street]

Motion approving decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1.

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to March 27, 2012. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Olague
Excused: 3 - Chu, Cohen, Wiener
Absent: 1 - Mar

### 120185 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 1111 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to March 27, 2012. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Olague
Excused: 3 - Chu, Cohen, Wiener
Absent: 1 - Mar

### 120186 [Preparation of Findings Related to the Conditional Use Authorization - 1111 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to March 27, 2012. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Olague
Excused: 3 - Chu, Cohen, Wiener
Absent: 1 - Mar

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library and open government.*
*Ray Hartz; expressed concerns relating to the SF Public Library and open government.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Male Speaker; expressed various concerns relating to family values.*
*Patty Sinn; expressed concerns relating to the transfer tree project.*
*Douglas Yep; expressed various concerns.*
*Tony Bowles; spoke in support for medical cannabis.*
*Male Speaker; spoke in support for medical cannabis.*
*David Welsh; spoke expressing concerns relating to foreclosures.*
*Morningstar Vancil; expressed various concerns relating to noise.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120247 [Accept and Expend Grant - Evaluating the Impact on Student Nutrition and National Food Programs of Eliminating Competitive Meals in Schools - $49,090]

**Sponsor: Olague**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $49,090 from the Robert Wood Johnson Foundation to participate in a program entitled "Evaluating the Impact on Student Nutrition and National Food Programs of Eliminating Competitive Meals in Schools" for the period of November 1, 2011, through October 31, 2012.

**ADOPTED**

### 120248 [Accept and Expend Grant - Juvenile Detention Reform - $34,603]

**Sponsor: Olague**

Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of $34,603 from the Annie E. Casey Foundation for continuing support of the juvenile justice reform activities at the Juvenile Probation Department.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

## IMPERATIVE AGENDA

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

### 120261 [Professional Social Work Month - March 2012]

**Sponsor: Avalos**

Resolution declaring March 2012 as Professional Social Work Month in the City and County of San Francisco.

*The President inquired as to whether any member of the public wished to address the Board relating to File No. 120261. There were no speakers. The President declared public comment closed.*

**Supervisor Avalos, seconded by Supervisor Farrell, moved that this Resolution be ADOPTED. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Elsbernd, Farrell, Kim, Mar, Olague
Excused: 3 - Chu, Cohen, Wiener

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

### 120238 [Settlement of Lawsuit - Fonseca v. Fong et al. - $73,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Fonseca against the City and County of San Francisco for $73,000 in attorney's fees and costs; the lawsuit was filed on May 4, 2007, in San Francisco Superior Court, Case No. CPF-07-507227; entitled Fonseca v. Heather Fong, et al. (City Attorney)

03/09/12; RECEIVED FROM DEPARTMENT.

03/20/12; RECEIVED AND ASSIGNED to Rules Committee.

### 120239 [Settlement of Lawsuit - Preston, et al. v. CCSF, et al. - $100,000]

Ordinance authorizing settlement of the lawsuit filed by Bonnie Preston against the City and County of San Francisco for $100,000; the lawsuit was filed on June 16, 2010, in San Francisco Superior Court, Case No. CGC-10-499015; entitled Bonnie Preston, et al. v. City and County of San Francisco, et al. (City Attorney)

03/09/12; RECEIVED FROM DEPARTMENT.

03/20/12; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

**120217 [Street Artist Spaces - Market Street, North Side, Spear to Steuart Streets]**

Resolution approving for six months designation of two temporary selling spaces on Market Street, North Side, Spear to Steuart Streets, for street artists certified by Arts Commission, City and County of San Francisco; and exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size. (Arts Commission)

03/07/12; RECEIVED FROM DEPARTMENT.

03/20/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120237 [Airport Professional Services Agreement - New South Parking - California]**

Resolution approving the Professional Services Agreement for the management and operation of the Airport's Public and Employee Parking between New South Parking - California and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/08/12; RECEIVED FROM DEPARTMENT.

03/20/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**120253 [Airline/Airport 2011 Lease and Use Agreement - Various Airlines]**

Resolution approving four new 2011 Airline/Airport Lease and Use Agreements between the City and County of San Francisco and various airlines, effective upon full City approval, to conduct flight operations at the San Francisco International Airport. (Airport Commission)

02/29/12; RECEIVED FROM DEPARTMENT.

03/20/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:02 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAR 30 2012

SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, March 27, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on March 21, 2012, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 15.105, suspending Sheriff Ross Mirkarimi from the Office of Sheriff, filing of written charges of official misconduct, and seeking his removal from office.*

## CONSENT AGENDA

*There were no items.*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Budget and Finance Committee

**120049 [Appropriating $1,000,000 for the Small Business Revolving Loan Fund Program - Office of Economic and Workforce Development]**

**Sponsors: Mayor; Chiu, Wiener, Olague, Farrell, Kim and Cohen**

Ordinance appropriating $1,000,000 of General Fund prior year fund balance for the Small Business Revolving Loan Fund Program in the Office of Economic and Workforce Development for FY2011-2012 and placing $500,000 on Budget and Finance Committee Reserve pending an update on the program.
(Fiscal Impact)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Public Safety Committee

### 120046 [Administrative Code - Establish Policy Regarding Participation in Federal Counterterrorism Activities]

**Sponsors: Kim; Avalos, Campos, Chiu, Olague and Mar**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.84 to: 1) set City policy regarding participation in Federal counterterrorism activities; and 2) set parameters for Police Department participation in the activities of the Federal Bureau of Investigation's Joint Terrorism Task Force and other counterterrorism activities.

**Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to April 3, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## NEW BUSINESS

*Supervisor Avalos was noted absent at 2:37 p.m. and noted present at 2:45 p.m.*
*Supervisor Olague was noted absent at 3:06 p.m. and noted present at 3:14 p.m.*
*Supervisor Elsbernd was noted absent at 3:58 p.m. and noted present at 4:19 p.m.*

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

### 120170 [Hearing - Amendments to the 34th America's Cup Project and Related Transactions, and Resolution of Intent to Form the Waterfront Infrastructure Financing District]

Hearing of persons interested in or objecting to amendments to the proposed Resolution approving the 34th America's Cup Project and related transactions, and the proposed Resolution of Intent to Form the Waterfront Infrastructure Financing District. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to the amendments of the proposed Resolution approving the 34th America's Cup Project and related transactions, and the proposed Resolution of Intent to Form the Waterfront Infrastructure Financing District as referenced in File Nos. 120127 and 120128. Mike Martin (Mayor's Office of Economic and Workforce Development) and Brad Benson (Port) provided an overview of the amendments and responded to questions raised throughout the discussion. Male Speaker; Lloyd Purcell; Henry; David Fazio; Male Speaker; Eric Eversrly; Kimball Livingston; Dave Hill; Patric Kim; Veronica Sanchez; Martha Krupp; John Cisneros; John Husson; Ed Worley; Andrea Tobor; Valerie Santori; Fernanda Castello; Ace Washington; Carl Acne; Walter Paulson; Rakesh Modi; Female Speaker; Josh Swarzy; Eddy Hon; Andrew Watters; Norman Pearce; Catherine Hooper; Peter Stoneberg; Andrew Wood; Gary Hanes; Julie Smith; spoke in support to the amendments and the proposed project. Mr. Martin responded to questions raised throughout the discussion and further discussed the amendments. There were no other speakers. The President declared the public hearing closed, adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

## From the Budget and Finance Committee Without Recommendation

### 120127 [Approving the 34th America's Cup Project and Related Transactions]

**Sponsor: Mayor**

Resolution adopting California Environmental Quality Act Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) for the 34th America's Cup events and approving the America's Cup project; waiving certain termination rights by the City under the 34th America's Cup Host and Venue Agreement (Host Agreement); approving the Development and Disposition Agreement between the City, through its Port Commission, and the America's Cup Event Authority, LLC (Event Authority), which also amends the Host Agreement; approving a Memorandum of Agreement regarding the City's and the Event Authority's respective obligations for certain mitigation measures in the MMRP and other project-related activities; and authorizing further actions and ratifying prior actions consistent with the terms of this Resolution. (Fiscal Impact)
(Supervisor Avalos dissented in Committee)

*Supervisor Chiu indicated amendments to the accompanying contract provided by Mike Martin (OEWD) included in File No. 120127.*

**Supervisor Chiu, seconded by Supervisor Kim, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Resolution adopting California Environmental Quality Act Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) for the 34th America's Cup events and approving the America's Cup project; waiving certain termination rights by the City under the 34th America's Cup Host and Venue Agreement (Host Agreement); approving the Lease Disposition Agreement between the City, through its Port Commission, and the America's Cup Event Authority, LLC (Event Authority), which also amends the Host Agreement; approving a Memorandum of Agreement regarding the City's and the Event Authority's respective obligations for certain mitigation measures in the MMRP and other project-related activities; and authorizing further actions and ratifying prior actions consistent with the terms of this Resolution.

*Supervisor Chiu requested to be added as a co-sponsor.*

**ADOPTED AS AMENDED, after accepting the amendment of the accompanying contract, by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120128 [Resolution of Intention to Form Waterfront Infrastructure Financing District]

**Sponsors: Mayor; Chiu**

Resolution of Intention to establish Infrastructure Financing District No. 2 for the City and County of San Francisco at the Port of San Francisco.

*Supervisor Chiu requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

### Privilege of the Floor

**Supervisor Farrell, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Farrell introduced, welcomed, and presented a Certificate of Honor to Cindy Brandon of the SF Safe in recognition of her accomplishments and continued community support.*

*Supervisor Olague was noted absent at 4:39 p.m. and noted present at 4:47 p.m.*

## SPECIAL ORDER 4:00 P.M.

### 120183 [Public Hearing - Conditional Use Appeal - 1111 California Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's January 19, 2012, approval of a Conditional Use Authorization identified as Planning Case No. 2011.0471C, by its Motion No. 18520, pursuant to Planning Code Sections 185(e) and 303, to continue the existing non-conforming assembly and entertainment uses of the "Nob Hill Masonic Center", and to continue the existing food and beverage service uses within the center, on a property within the RM-4 (Residential Mixed, Medium Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District, located at 1111 California Street, Assessor's Block No. 0253, Lot No. 020. (District 3) (Appellants: Stephen Gomez on behalf of the Nob Hill Coalition, James Wall on behalf of the Nob Hill Association, William Terrell, Elizabeth Pomada, Donna Muse, and Aldo Caccamo) (Filed February 21, 2012).

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance. There were no speakers.*

**Supervisor Farrell, seconded by Supervisor Mar, moved that this Hearing be CONTINUED to April 3, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

*The President CONTINUED the Hearing open to April 3, 2012.*

### 120184 [Approving Planning Commission Decision Related to Conditional Use Authorization - 1111 California Street]

Motion approving decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1.

**Supervisor Farrell, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 3, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

### 120185 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 1111 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 3, 2012 The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

### 120186 [Preparation of Findings Related to the Conditional Use Authorization - 1111 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 3, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

## COMMITTEE REPORTS

### Recommendations of the Land Use and Economic Development Committee

### 120141 [Permit of Northeast-Facing Wall Sign - Total Outdoor Corporation - 1650 Mission Street]

Resolution authorizing the execution of a permit to enter and use property for installation and maintenance of a northeast-facing wall sign at 1650 Mission Street by and between the City and County of San Francisco and Total Outdoor Corporation, a Delaware Corporation, permittee. (Real Estate Department)

*NOT ADOPTED by the following vote:*
*Ayes: 5 - Chu, Elsbernd, Kim, Mar, Olague*
*Noes: 6 - Avalos, Campos, Chiu, Cohen, Farrell, Wiener*

*Supervisor Cohen, seconded by Supervisor Mar, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Privilege of the floor was granted to John Updike, Acting Director of the Department of Real Estate, who responded to questions raised throughout the discussion.*

**NOT ADOPTED by the following vote:**

Ayes: 4 - Chu, Elsbernd, Kim, Olague
Noes: 7 - Avalos, Campos, Chiu, Cohen, Farrell, Mar, Wiener

**120244 [Multifamily Housing Revenue Bonds - 1180 Fourth Street Family Housing]**
**Sponsor: Kim**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed $48,155,000 for the purpose of providing financing for the acquisition and construction of a 150-unit multifamily rental housing project known as 1180 Fourth Street Family Housing; approving the form of and authorizing the execution of a trust indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this Resolution; and related matters.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*Ray Hartz; expressed concerns relating to the Library Commission and open government.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Douglas Yepp; expressed various concerns.*
*Tony Bowles; spoke in support for medical cannabis.*
*Kevin Brown; spoke in support for medical cannabis.*
*Mattie Scott; expressed various concerns.*
*Mary Walker; expressed various concerns relating to the Sheriff Mirkarimi proceedings.*
*Michelle Rodriguez; spoke in support of proposed legislation relating to Assembly Bill 1831.*
*Karen Shane; spoke in support of proposed legislation relating to Assembly Bill 1831.*
*Barbara Tengeri, expressed various concerns relating to the Sheriff Mirkarimi proceedings.*
*David; spoke in support for medical cannabis.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Charlie Pappas; spoke in support for medical cannabis.*
*Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**120290 [Apply For Caltrans Transportation Planning Grants]**
**Sponsor: Mayor**

Resolution authorizing the Planning Department to apply for planning grants from the California Department of Transportation (Caltrans).

**ADOPTED**

### 120293 [Urging the Mayor and City Departments to Prioritize Youth Employment During Business Negotiations]

**Sponsor: Olague**

Resolution urging the Mayor and City Departments to include Youth Involvement Plans when negotiating with new businesses coming to San Francisco, in order to increase the number of employment opportunities for San Francisco's young people.

**ADOPTED**

### 120297 [Final Map 6325: 435 China Basin Street, and 420 and 480 Mission Bay Boulevard North]

Motion approving Final Map 6325, a 329 Unit Residential and Three Unit Commercial Mixed-Use Condominium Project, located at 435 China Basin Street, and 420 and 480 Mission Bay Boulevard North; being a subdivision of Assessor's Block No. 8720, Lot No. 016, and Assessor's Block No. 3837, Lot No. 002; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M12-040

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Campos requested that File No. 120291 be severed so that it may be considered separately.*

### 120291 [Recognizing International Day Against Homophobia and Transphobia]

**Sponsors: Campos; Olague, Kim, Chiu and Avalos**

Resolution recognizing International Day Against Homophobia and Transphobia and calling upon City officials to lower the American and United Nations Flags in United Nations Plaza for a 24-hour period on May 17, 2012.

*Supervisor Avalos requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Elsbernd requested that File No. 120292 be severed so that it may be considered separately.*

### 120292 [Supporting Assembly Bill 1831 - Regarding Expansion of California's "Ban the Box" Policy]

**Sponsors: Olague; Campos and Avalos**

Resolution supporting Assembly Bill 1831, which expands California's "Ban the Box" policy for state and public employees to city and county workers statewide.

*Supervisor Avalos requested to be added as a co-sponsor.*

**Supervisor Elsbernd, seconded by Supervisor Cohen, moved that this Resolution be CONTINUED to April 3, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

### 120256 [Public Infrastructure Improvements - Mission Bay South-Sanitary Sewer Pump Station]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Sanitary Sewer Pump Station, including acquisition facilities located on and under portions of State Trust Parcel 2; 2) accepting said facilities for City maintenance and liability purposes; 3) adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; 4) accepting a Department of Public Works Order; and 5) authorizing official acts in connection with this Ordinance. (Public Works Department)

03/15/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

### 120257 [Public Infrastructure Improvements - Mission Bay South-66" Sewer Force Main Relocation]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay 66" Sewer Force Main Relocation, including acquisition facilities located under portions of State Trust Parcel 8 and future Owens Street between Sixteenth Street and Mariposa Street; 2) accepting said facilities for City maintenance and liability purposes; 3) adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; 4) accepting a Department of Public Works Order; and 5) authorizing official acts in connection with this Ordinance. (Public Works Department)

03/15/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

### 120258 [Settlement of Lawsuit - Bigeleisen v. CCSF - $30,000]

Ordinance authorizing settlement of the lawsuit filed by David Bigeleisen against the City and County of San Francisco for $30,000; the lawsuit was filed on February 3, 2011, in San Francisco Superior Court, Case No. CGC-11-507900; entitled David Bigeleisen, v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney)

03/16/12; RECEIVED FROM DEPARTMENT.

03/21/12; RECEIVED AND ASSIGNED to Rules Committee.

### 120259 [Settlement of Lawsuit - Donna Murray v. CCSF - $245,000]

Ordinance authorizing settlement of the lawsuit filed by Donna Murray against the City and County of San Francisco for $245,000; the lawsuit was filed on September 22, 2010, in San Francisco Superior Court, Case No. CGC-10-503853; entitled Donna Murray v. City and County of San Francisco, et al. (City Attorney)

03/16/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

### 120255 [Contract Amendment - War Memorial Veterans Building Seismic Upgrade and Improvements Project - Not to Exceed $11,621,721]

Resolution authorizing the Director of Public Works to execute an amendment to the Executive Structural Engineering and Consultant Services for the War Memorial Veterans Building Seismic Upgrade and Improvements Project to increase the not-to-exceed amount from $2,758,445 to $11,621,721. (Public Works Department)

03/14/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### 120260 [Real Property Lease - Advanced Storage Unlimited, Inc. - 600 Amador Street, Seawall Lot 344]

Resolution approving Port Commission Lease No. L-14819 with Aardvark Storage Unlimited, Inc., for paved vacant land located at 600 Amador Street within Seawall Lot 344 in the Southern Waterfront with a sixty month term and a sixty month option. (Port)

03/19/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:45 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

**Tuesday, April 3, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

GOVERNMENT
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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Avalos, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of February 28, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

*There were no items.*

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendation of the Public Safety Committee

### 120046 [Administrative Code - Establish Policy Regarding Participation in Federal Counterterrorism Activities]

**Sponsors: Kim; Avalos, Campos, Chiu, Olague and Mar**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.84 to: 1) set City policy regarding participation in Federal counterterrorism activities; and 2) set parameters for Police Department participation in the activities of the Federal Bureau of Investigation's Joint Terrorism Task Force and other counterterrorism activities.

**FINALLY PASSED by the following vote:**

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Olague
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

# NEW BUSINESS

## Recommendations of the Budget and Finance Sub-Committee

### 120124 [Agreement - BAE Systems - Shoreside Power at Drydock #2 - Pier 70 - Not to Exceed $5,700,000]

**Sponsors: Mayor; Cohen and Chu**

Ordinance authorizing the Director of the Port to execute an agreement with BAE Systems San Francisco Ship Repair to install shoreside power equipment at Drydock #2 at Pier 70 for an amount not to exceed $5,700,000 and exempting the agreement from the contracting requirements of the Administrative Code and Environment Code.
(Fiscal Impact)

*Supervisor Chu requested to be added as a co-sponsor.*

*Privilege of the floor was granted to Brad Benson (Port) who responded to questions raised throughout the discussion.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120222 [North Beach Branch Library - Environmental Findings and Bond Proceeds]

**Sponsors: Mayor; Chiu and Chu**

Ordinance adopting environmental findings with respect to the North Beach Branch Library and approving the expenditure on the North Beach Branch Library of bond proceeds of lease revenue bonds previously authorized and issued to finance various projects under the Branch Library Improvement Program, as further described herein; granting general authority to City officials to take certain actions in connection with the expenditure of bond proceeds; and ratifying previous actions taken in connection therewith.

*Supervisor Chu requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120223 [Appropriating $6,259,742 of Fund Balance and General Obligation Bond Proceed Interest Earnings to the Public Library in FY2011-2012]

**Sponsors: Mayor; Chiu and Chu**

Ordinance appropriating $6,259,742 consisting of $5,778,742 in Library Preservation Fund unappropriated fund balance and $481,000 in interest earnings from the Branch Library Improvement Program (BLIP) General Obligation Bond proceeds to the Public Library in FY2011-2012 for the completion of remaining projects in the BLIP.

*Supervisor Chu requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120178 [2012 Annual Joint Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2012 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120201 [Equipment Lease - 2012 Finance Corporation Equipment Program - Revenue Bonds - Not to Exceed $10,500,000]

**Sponsor: Mayor**

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an Equipment Lease Supplement No. 18 (Series 2012A Bonds) between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $10,500,000; approving the form of the official statement and the distribution thereof in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120225 [Accept and Expend Grant - Institute for Local Government - $40,615]

**Sponsor: Cohen**

Resolution authorizing the Adult Probation Department on behalf of the Reentry Council of San Francisco to retroactively accept and expend a grant in the amount of $40,615 from the Institute for Local Government, as a sub-recipient of a grant award made by the Rosenberg Foundation, for activities related to the implementation of the California Reentry Council Network.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120226 [Accept and Expend Grant - Egg Quality Control Program - $3,883.76]

**Sponsor: Cohen**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a State grant in the amount of $3,883.76 from the California Department of Food and Agriculture, to participate in a program entitled Egg Quality Control Program for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120228 [Accept and Expend Grant - Boeddeker Park - $493,000]

**Sponsors: Mayor; Kim**

Resolution authorizing the Recreation and Parks Department to accept and expend an Urban Greening Grant in the amount of $493,000 for Boeddeker Park funded by the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120229 [Taxable and/or Tax-Exempt Certificates of Participation for Various Capital Improvements - Official Statement]

**Sponsor: Mayor**

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the execution and delivery of City and County of San Francisco Certificates of Participation for Various Capital Improvements and authorizing the preparation, execution and delivery of a final official statement; ratifying the approvals and terms and conditions of a previous ordinance; and related matters.
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Government Audit and Oversight Committee

**120189 [Memorandum of Understanding, Amendment 2 - Service Employees International Union, Local 1021]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, by implementing specified terms and conditions of employment for FY2011-2012.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Land Use and Economic Development Committee

**110853 [Planning, Administrative Codes - Public Art Fee and Public Artwork Trust Fund]**

**Sponsors: Mayor; Chiu**

Ordinance: 1) amending the San Francisco Planning Code Section 429 to provide that developers currently required to spend one percent (1%) of construction costs for public artwork on any new development project or addition to an existing building over 25,000 square feet located in a C-3 district have an option to contribute all or a portion of that fee to a City fund dedicated to support public art, and to extend the fee to all non-residential projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet and that have submitted their first complete Development Application on or after January 1, 2013, on the following parcels: (a) all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, and UMU Districts; (b) properties that are zoned MUG, MOU, or MUR and that are north of Division/Duboce/13th Streets; and (c) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall); 2) amending the San Francisco Administrative Code by adding Section 10.200-29 to establish a Public Artwork Trust Fund, funded through contributions and Public Art Fees, for the creation, installation, exhibition, conservation, preservation, and restoration of temporary and permanent public art and capital improvements to nonprofit art facilities within the C-3 district and within a half mile of the boundary of the C-3 district or, if the project is in another zoning district, within a half mile of the project boundary, to be administered and expended by the Arts Commission; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111337 [Planning Code - Extension of Time for Legitimization of Existing Eastern Neighborhoods Uses]

**Sponsor: Cohen**

Ordinance amending the San Francisco Planning Code Section 179.1(b) to: 1) extend through November 12, 2012, the period of time in which existing uses in the Eastern Neighborhoods area that have operated without permits may file an application for determination of eligibility for legitimization; 2) establish a deadline within which the applicant must proceed with the legitimization process; and 3) make environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

### 120312 [Hearing - Contracts Approval - Certain Improvements to Port Property for 34th America's Cup Event; Authorizing Wavier of Certain Bidding and Contracting Requirements]

Hearing of persons interested in or objecting to proposed Ordinance authorizing the waiver of certain bidding, and contracting requirements of the Administrative Code, and authorizing the Director of the Port to execute contracts for certain improvements to Port property for the 34th America's Cup Event. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to the amendments of the proposed Ordinance approving certain improvements to Port Property for the 34th America's Cup Project and authorizing waiver of certain bidding and contracting requirements as referenced in File No. 120282. Brad Benson (Port) provided an overview and responded to questions raised throughout the discussion. There were no other speakers. The President declared the public hearing closed, adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

*Supervisor Kim was noted absent at 3:39 p.m. and noted present at 3:55 p.m.*
*Supervisor Campos was noted absent at 3:39 p.m. and noted present at 3:51 p.m.*
*Supervisor Olague was noted absent at 4:02 p.m. and noted present at 4:22 p.m.*

## From the Budget and Finance Sub-Committee Without Recommendation

### 120282 [Contract Approval - Certain Improvements to Port Property for 34th America's Cup Event; Authorizing Waiver of Certain Bidding and Contracting Requirements]

**Sponsor: Mayor**

Ordinance 1) authorizing the Port to amend a contract between the Port and Turner Construction Company to perform certain improvements to Piers 27-29, Piers 19 and 23, and Piers 30-32, and to remove portions of Pier ½ and 64; 2) alternatively, authorizing the Port to execute an agreement between the Port and one of the next highest-ranked proposers, in order of rank, for the Pier 27 Cruise Ship Terminal and Northeast Wharf Plaza Project, to perform certain improvements to Piers 27-29, Piers 19 and 23, and Piers 30-32, and to remove portions of Pier ½ and 64; 3) authorizing the Port to contract with the America's Cup Event Authority for assignment to the Port of its contract with Power Engineering Construction Company for improvements to Piers 30-32 only; 4) authorizing the Port to enter into a contract with AECOM for construction-design engineering services for improvements to Piers 30-32 related to the 34th America's Cup Event; and 5) waiving competitive bidding and solicitation requirements of Administrative Code Sections 6.20, 6.21, 6.68(A)-(F), 6.40, and 6.41, and requirements of Administrative Code Sections 14B.19(C)(1)-(5). (Fiscal Impact)

**Supervisor Chu, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, by accepting the Budget and Legislative Analyst recommendations. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

# SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

## Privilege of the Floor

**Supervisor Olague, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Olague introduced, welcomed, and presented a Proclamation to Susan Strolis of the Haight Ashbury Improvement Association and the Friends of Sharon Art Studio in recognition of her community engagement, advocacy, activism and deep commitment to the Haight-Ashbury neighborhood.*

*Supervisor Mar introduced, welcomed, and presented a Proclamation to the Richmond District YMCA in recognition of the organization's 90th Anniversary, their accomplishments, and continued community support.*

## SPECIAL ORDER 4:00 P.M.

### 120183 [Public Hearing - Conditional Use Appeal - 1111 California Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's January 19, 2012, approval of a Conditional Use Authorization identified as Planning Case No. 2011.0471C, by its Motion No. 18520, pursuant to Planning Code Sections 185(e) and 303, to continue the existing non-conforming assembly and entertainment uses of the "Nob Hill Masonic Center", and to continue the existing food and beverage service uses within the center, on a property within the RM-4 (Residential Mixed, Medium Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District, located at 1111 California Street, Assessor's Block No. 0253, Lot No. 020. (District 3) (Appellants: Stephen Gomez on behalf of the Nob Hill Coalition, James Wall on behalf of the Nob Hill Association, William Terrell, Elizabeth Pomada, Donna Muse, and Aldo Caccamo) (Filed February 21, 2012).

*The President indicated receipt of a settlement agreement by certain parties and inquired as to whether any member of the public wished to address the Board. Stanley Landfair (Appellant) provided an overview of the settlement agreement and responded to questions raised throughout the discussion. Steve Vettel (Project Sponsor) provided an overview of the settlement agreement. Bob Varni and Jim Miller (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. David Harman; Hiroshi Goodall; Greg Scott; Don Humphreys; Linda Chapman; Annette Brubaker; spoke in support of the appeal. AnMarie Rodgers and Kevin Guy (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Steve Vettel (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Stanley Landfair; spoke in support of the project and in opposition to the appeal. Bob Varni (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AND FILED**

### 120184 [Approving Planning Commission Decision Related to Conditional Use Authorization - 1111 California Street]

Motion approving decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1.

**Supervisor Chiu, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120185 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 1111 California Street; Approving Conditional Use as Modified by the Board of Supervisors]

Motion disapproving decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Chiu, seconded by Supervisor Farrell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Motion disapproving decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street, and authorizing conditional use on property located at 1111 California Street as modified by the Board of Supervisors on April 3, 2012. (Clerk of the Board)

**Motion No.** M12-042

**Supervisor Chiu, seconded by Supervisor Farrell, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120186 [Preparation of Findings Related to the Conditional Use Authorization - 1111 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street. (Clerk of the Board)

**Motion No.** M12-043

**Supervisor Chiu, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMITTEE REPORTS

### From the Rules Committee Without Recommendation

### 111082 [Campaign and Governmental Conduct and Municipal Elections Codes - Amending Public Financing Program]

**Sponsors: Kim; Campos, Mar and Avalos**

Ordinance amending the Campaign and Governmental Conduct Code and the Municipal Elections Code to modify funding of the City's public financing program, to increase expenditure ceilings for supervisorial candidates, to delay the date on which public funds may be disbursed, to change the qualification requirements for participating candidates, and to advance the date by which all local candidates must file their nomination papers.

*Supervisor Elsbernd moved to divide the question relating to "Section 1.144(d)(4)" located on Page 15, Lines 10-13. The question PASSED AS DIVIDED by the following vote:*
*Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener*
*Noes: 3 - Chu, Elsbernd, Farrell*

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Ray Hartz; expressed concerns relating to government.*
*Francisco Da Costa, expressed various concerns.*
*Eugene Gordon Jr.; expressed concerns relating to the pledge of allegiance.*
*Barbara Tengeri, expressed various concerns relating to the Sheriff Mirkarimi proceedings.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Male Speaker; expressed various concerns.*
*Brad Newshum; expressed various concerns relating to the taxi cab industry.*
*Douglas Yepp; expressed various concerns.*
*Emil Lawrence; expressed various concerns.*
*Mary Walker; expressed various concerns relating to the Sheriff Mirkarimi proceedings.*
*Mattie Scott; expressed various concerns relating to the Sheriff Mirkarimi proceedings.*
*Christopher Fulkerson; expressed various concerns relating to the taxi cab industry.*
*Male Speaker; expressed various religious concerns.*
*Benjamin Dallas; expressed various concerns relating to the taxi cab industry.*
*Male Speaker; expressed various concerns relating to the taxi cab industry.*
*Tara Housman; expressed various concerns relating to the taxi cab industry.*
*Male Speaker; expressed various concerns relating to the taxi cab industry.*
*Male Speaker; expressed various concerns relating to the taxi cab industry.*
*Male Speaker; expressed various concerns relating to the taxi cab industry.*
*Han Su Kim; expressed various concerns relating to the taxi cab industry.*
*Scott Kiper; expressed various concerns relating to development.*
*Mark Gruberg; expressed various concerns relating to the taxi cab industry.*
*Lisa Pardenas; expressed various concerns relating to the taxi cab industry.*
*Female Speaker; expressed various concerns relating to the taxi cab industry.*
*Bikhayrat Muhammadiev; expressed various concerns relating to the taxi cab industry.*
*Gary Carlgul; expressed various concerns relating to the taxi cab industry.*
*Jason Aames; expressed various concerns relating to the taxi cab industry.*
*Eden Kimball; expressed various concerns relating to the taxi cab industry.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Ko Lee; expressed various concerns relating to the taxi cab industry.*
*Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120306 [Apply For - Housing Related Parks Grants]

**Sponsors: Mayor; Cohen and Kim**

Resolution authorizing the Recreation and Parks Department to apply for grants from the California Department of Housing and Community Development.

**ADOPTED**

### 120307 [Accept and Expend Grant - Books to Action - Economic Empowerment Book Club - $2,398]

**Sponsors: Olague; Chu**

Resolution authorizing the Public Library to accept and expend a Federal/State pass-through grant in the amount of $2,398 from the California State Library as part of the Federal Library Services and Technology Act to utilize highly skilled volunteers to assist young adults with their financial management needs.

*Supervisor Chu requested to be added as a co-sponsor.*

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Chiu requested that File No.120311 be severed so that it may be considered separately.*

### 120311 [Committee of the Whole - Contracts Approval - Certain Improvements to Port Property for 34th America's Cup Event; Authorizing Wavier of Certain Bidding and Contracting Requirements - April 3, 2012]

**Sponsor: Chiu**

Motion scheduling the Board to sit as a Committee of the Whole on April 3, 2012, at 3 p.m., to hold a public hearing and consider an Ordinance authorizing the waiver of certain bidding, and contracting requirements of the Administrative Code, and authorizing the Director of the Port to execute contracts for certain improvements to Port property for the 34th America's Cup Event.

**Motion No.** M12-041

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

*Supervisor Olague requested that File No.120292 be severed so that it may be considered separately.*

### 120292 [Supporting Assembly Bill 1831 - Regarding Expansion of California's "Ban the Box" Policy]

**Sponsors: Olague; Campos and Avalos**

Resolution supporting Assembly Bill 1831, which expands California's "Ban the Box" policy for state and public employees to city and county workers statewide.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

**120271 [Zoning Map Amendment - 8 Washington Street Project]**

Ordinance: 1) amending Sheet HT01 of the Zoning Map of the City and County of San Francisco to change the height and bulk district classification of two areas along the Drumm Street frontage of the property located at Assessor's Block No. 0201, Lot No. 012 (8 Washington Street), from 84-E to 92-E in one area and to 136-E in another area; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

03/26/12; RECEIVED FROM DEPARTMENT.

04/03/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/3/2012.

**120272 [General Plan Amendment - 8 Washington Street Project (Assessor's Block No. 0201, Lot No. 012)]**

Ordinance: 1) amending the San Francisco General Plan by amending Map 2 (Height and Bulk Plan) of the Northeastern Waterfront Area Plan as part of the 8 Washington Street Project; and 2) making environmental findings, Planning Code Section 340 findings, and findings of consistency with General Plan, as amended, and with the Priority Policies of Planning Code Section 101.1. (Planning Commission)

03/26/12; RECEIVED FROM DEPARTMENT.

04/03/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/3/2012.

**120274 [Park Code - Golden Gate Park Concourse Underground Parking Facility Fees]**

Ordinance amending the San Francisco Park Code, Article 12, by: 1) amending Section 12.35 to increase certain parking rates and eliminate the Early Bird Rate at the Golden Gate Park Concourse Underground Parking Facility, 2) amending Section 12.20 to clarify the requirements for annual fee adjustments, and 3) adding a new Section 12.49 to ratify prior fees and fee adjustments; and making environmental findings and findings of consistency with general plan. (Recreation and Park Department)

03/26/12; RECEIVED FROM DEPARTMENT.

04/03/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 5/3/2012.

04/03/12; REFERRED TO DEPARTMENT.

04/03/12; RESPONSE RECEIVED.

## PROPOSED RESOLUTIONS

**120270 [Approval of Public Trust Exchange; Agreement to Sell Portion of Seawall Lot 351 in Exchange for Portion of Block 168-Lot 58, Block 171-Lot 69, and Block 201-Lot 12; Approval of Lease and Maintenance Agreement]**

Resolution approving and authorizing a Purchase and Sale Agreement with San Francisco Waterfront Partners II, LLC for the sale by the San Francisco Port Commission of unimproved real property located on Seawall Lot 351 at the corner of The Embarcadero and Washington Street in exchange for a portion of real property located on Block 168-Lot 58, Block 171-Lot 69, and Block 201-Lot 12 having an address at 8 Washington; approving and authorizing a Trust Exchange Agreement with the California State Lands Commission that would remove the public trust from such portion of Seawall Lot 351 and impressing the public trust on such portion of real property located on Block 168-Lot 58, Block 171-Lot 69, and Block 201-Lot 12; approving and authorizing a 66-year Lease with San Francisco Waterfront Partners II, LLC for real property near The Embarcadero and former Pacific Street; approving and authorizing a Maintenance Agreement with San Francisco Waterfront Partners II, LLC for the maintenance of open space bound by The Embarcadero, Washington Street and Drumm Street; adopting environmental findings and findings of consistency with the General Plan and the eight Priority Policies of City Planning Code Section 101.1; and authorizing the Port's Executive Director and the City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Port)

03/26/12; RECEIVED FROM DEPARTMENT.

04/03/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 5/3/2012.

**120273 [Re-Appointment - Local Homeless Coordinating Board]**

Resolution re-appointing Christine Ma, M.D., for a term expiring October 21, 2015, to the Local Homeless Coordinating Board, residency requirement waived. (Controller)

03/27/12; RECEIVED FROM DEPARTMENT.

04/03/12; RECEIVED AND ASSIGNED to Rules Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:03 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

APR 12 2012

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**Tuesday, April 10, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

***Angela Calvillo, Clerk of the Board***

## BOARD COMMITTEES

| **Committee Membership** | **Meeting Days** |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:05 p.m. On the call of the roll, Supervisor Cohen was noted absent.*

*Supervisor Cohen was noted present at 2:06 p.m.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Campos, seconded by Supervisor Farrell, moved to approve the Board Meeting Minutes of March 6, 2012, and the March 7, 2012, Special Meeting Minutes at the Budget & Finance Committee Meeting (File Nos. 120061 and 120107). The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 1200046 regarding participation in Federal counterterrorism activities.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

**120313 [Formal Policy Discussions - April 10, 2012]**

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District 4, 6, 8, 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. SPUR's Ocean Beach Master Plan is the result of a two year public process involving local, state, and federal agencies, as well as environmental groups, residents, and other key stakeholders. The plans goals include improving access, protecting and restoring ecological resources, while also protecting critical infrastructure as sea level rise and erosion concerns deepen. Having been briefed by the inter-agency steering committee on this work, what is your commitment to continuing this collaborative effort and in evaluating the feasibility of its near and long-term recommendations? (Supervisor Chu, District 4)

2. This past Thursday, I held a hearing at the Rules Committee regarding our shelter system and many of our senior constituents and constituents with disabilities shared their experience with the shelter system including their challenges in accessing shelter due to long lines waiting at reservation centers for long term beds and the futile chase around the city to multiple sites, their concerns around their safety while waiting in line and challenges of routinely getting one night beds. We understand that shelter is housing of last resort for over 1000 San Franciscan and our goal is to provide those people with permanent affordable housing. What specific initiatives could the Mayor's Office explore in conjunction with HSA, DPH, HOPE and Mayor's Office of Disability to make shelter reservations more accessible and also make capital improvements and on-site services in our shelters to accommodate our seniors and individuals with disabilities? (Supervisor Kim, District 6)

3. On January 24, 2012, I called for a hearing focusing on streetlight issues in the City. I have invited PG&E and various other City agencies to provide an update on efforts to address the frequent lack of responsiveness to community requests for maintenance of street lights and augmentation of sidewalk lighting for pedestrian safety. San Franciscans are frustrated. What do you think are the problems with street and sidewalk lighting, and will you work with me to find solutions? (Supervisor Wiener, District 8)

4. In District 10 we continue to have a number of public safety challenges. My office, the Police Department and members of the community have worked diligently to build strong relationships with one another and work together to address some of these challenges. However, the staffing levels at the Bayview and Ingleside Police stations continue to be lower than what is needed to service the district. Additionally, we are seeing more and more officers getting ready to retire in the near future. Are you supportive of increasing the number of police academy classes in this coming fiscal year? What are your strategies for ensuring that district stations have the resources they need to continue collaborative community policing strategies? (Supervisor Cohen, District 10)

*Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.*

**HEARD AND FILED**

# CONSENT AGENDA

## Recommendations of the Budget and Finance Sub-Committee

### 120124 [Agreement - BAE Systems - Shoreside Power at Drydock #2 - Pier 70 - Not to Exceed $5,700,000]

**Sponsors: Mayor; Cohen and Chu**

Ordinance authorizing the Director of the Port to execute an agreement with BAE Systems San Francisco Ship Repair to install shoreside power equipment at Drydock #2 at Pier 70 for an amount not to exceed $5,700,000 and exempting the agreement from the contracting requirements of the Administrative Code and Environment Code.
(Fiscal Impact)

**FINALLY PASSED**

### 120222 [North Beach Branch Library - Environmental Findings and Bond Proceeds]

**Sponsors: Mayor; Chiu and Chu**

Ordinance adopting environmental findings with respect to the North Beach Branch Library and approving the expenditure on the North Beach Branch Library of bond proceeds of lease revenue bonds previously authorized and issued to finance various projects under the Branch Library Improvement Program, as further described herein; granting general authority to City officials to take certain actions in connection with the expenditure of bond proceeds; and ratifying previous actions taken in connection therewith.

**FINALLY PASSED**

### 120223 [Appropriating $6,259,742 of Fund Balance and General Obligation Bond Proceed Interest Earnings to the Public Library in FY2011-2012]

**Sponsors: Mayor; Chiu and Chu**

Ordinance appropriating $6,259,742 consisting of $5,778,742 in Library Preservation Fund unappropriated fund balance and $481,000 in interest earnings from the Branch Library Improvement Program (BLIP) General Obligation Bond proceeds to the Public Library in FY2011-2012 for the completion of remaining projects in the BLIP.

**FINALLY PASSED**

## Recommendation of the Government Audit and Oversight Committee

### 120189 [Memorandum of Understanding, Amendment 2 - Service Employees International Union, Local 1021]

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, by implementing specified terms and conditions of employment for FY2011-2012.

**FINALLY PASSED**

## Recommendations of the Land Use and Economic Development Committee

### 110853 [Planning, Administrative Codes - Public Art Fee and Public Artwork Trust Fund]

**Sponsors: Mayor; Chiu**

Ordinance: 1) amending the San Francisco Planning Code Section 429 to provide that developers currently required to spend one percent (1%) of construction costs for public artwork on any new development project or addition to an existing building over 25,000 square feet located in a C-3 district have an option to contribute all or a portion of that fee to a City fund dedicated to support public art, and to extend the fee to all non-residential projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet and that have submitted their first complete Development Application on or after January 1, 2013, on the following parcels: (a) all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, and UMU Districts; (b) properties that are zoned MUG, MOU, or MUR and that are north of Division/Duboce/13th Streets; and (c) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall); 2) amending the San Francisco Administrative Code by adding Section 10.200-29 to establish a Public Artwork Trust Fund, funded through contributions and Public Art Fees, for the creation, installation, exhibition, conservation, preservation, and restoration of temporary and permanent public art and capital improvements to nonprofit art facilities within the C-3 district and within a half mile of the boundary of the C-3 district or, if the project is in another zoning district, within a half mile of the project boundary, to be administered and expended by the Arts Commission; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**FINALLY PASSED**

### 111337 [Planning Code - Extension of Time for Legitimization of Existing Eastern Neighborhoods Uses]

**Sponsor: Cohen**

Ordinance amending the San Francisco Planning Code Section 179.1(b) to: 1) extend through November 12, 2012, the period of time in which existing uses in the Eastern Neighborhoods area that have operated without permits may file an application for determination of eligibility for legitimization; 2) establish a deadline within which the applicant must proceed with the legitimization process; and 3) make environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**FINALLY PASSED**

### 120288 [Acceptance of Gift of Nursery for Golden Gate Park Botanical Garden]

**Sponsors: Mar; Olague and Chu**

Resolution accepting a gift-in-place to the City and County of San Francisco of the San Francisco Botanical Garden Nursery: Center for Sustainable Gardening valued at approximately $14,000,000; and making findings, including environmental findings.

**ADOPTED**

## Recommendations of the Rules Committee

**120134 [Settlement of Lawsuit - Timothy Hoyt - $80,000]**

Ordinance authorizing settlement of the lawsuit filed by Timothy Hoyt against the City and County of San Francisco for $80,000; the lawsuit was filed on April 26, 2010, in U.S. District Court, Case No. CV 10-01778 RS; entitled Timothy Hoyt v. the City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**120163 [Settlement of Lawsuit - Patricia Banks - $50,000]**

Ordinance authorizing settlement of the lawsuit filed by Patricia Banks against the City and County of San Francisco for $50,000; the lawsuit was filed on August 5, 2009, in San Francisco Superior Court, Case No. CGC-09-491089; entitled Patricia Banks, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**120164 [Settlement of Lawsuit - Pacific States Environmental Contractors, Inc. - $425,000]**

Ordinance authorizing settlement of the lawsuit filed by Pacific States Environmental Contractors, Inc., against the City and County of San Francisco for $425,000; the lawsuit was filed on November 20, 2009, in San Mateo County Superior Court and subsequently transferred to San Francisco County Superior Court, Case No. CGC-10-501403, entitled Pacific States Environmental Contractors, Inc. v. City and County of San Francisco, et al.; other material terms of the settlement are: 1) mutual releases except for latent defects, 2) dismissal of the complaint with prejudice, and 3) each side to bear its own attorneys fees and costs. (City Attorney)

**PASSED, ON FIRST READING**

**120181 [Settlement of Lawsuit - Christine Peterson - $34,000]**

Ordinance authorizing settlement of the lawsuit filed by Christine Peterson against the City and County of San Francisco for $34,000; the lawsuit was filed on November 25, 2009, in San Francisco Superior Court, Case No. CGC-09-494798 (Consolidated with Case No. CGC-10-500217); entitled Christine Peterson, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**120182 [Settlement of Lawsuit - Wilma Espinosa - $275,000]**

Ordinance authorizing settlement of the lawsuit filed by Wilma Espinosa against the City and County of San Francisco for $275,000; the lawsuit was filed on March 9, 2011, in San Francisco Superior Court, Case No. CGC-11-508999; entitled Wilma Espinosa, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**120187 [Settlement of Lawsuit - Airis v. CCSF, et al. - $7,500,000]**

Ordinance authorizing settlement of the lawsuit filed by Airis SFO, LLC, Airis Holdings, LLC, and Duane Morris LLP ("Airis") against the City and County of San Francisco (the "City") for $7,500,000; the lawsuit was filed on July 15, 2005, in San Mateo Superior Court, Case No. 448274, entitled Airis SFO, LLC, et al. v. City and County of San Francisco, et al.; other material terms include a full and final release by Airis of all claims for attorneys' fees, costs, and post judgment interest. (City Attorney)

**PASSED, ON FIRST READING**

**120238 [Settlement of Lawsuit - Fonseca v. Fong, et al. - $73,000]**

Ordinance authorizing settlement of the lawsuit filed by Charles Fonseca against the City and County of San Francisco for $73,000 in attorney's fees and costs; the lawsuit was filed on May 4, 2007, in San Francisco Superior Court, Case No. CPF-07-507227; entitled Fonseca v. Heather Fong, et al. (City Attorney)

**PASSED, ON FIRST READING**

**120239 [Settlement of Lawsuit - Preston, et al. v. CCSF, et al. - $100,000]**

Ordinance authorizing settlement of the lawsuit filed by Bonnie Preston against the City and County of San Francisco for $100,000; the lawsuit was filed on June 16, 2010, in San Francisco Superior Court, Case No. CGC-10-499015; entitled Bonnie Preston, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**120258 [Settlement of Lawsuit - Bigeleisen v. CCSF - $30,000]**

Ordinance authorizing settlement of the lawsuit filed by David Bigeleisen against the City and County of San Francisco for $30,000; the lawsuit was filed on February 3, 2011, in San Francisco Superior Court, Case No. CGC-11-507900; entitled David Bigeleisen, v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney)

**PASSED, ON FIRST READING**

**120259 [Settlement of Lawsuit - Donna Murray v. CCSF - $245,000]**

Ordinance authorizing settlement of the lawsuit filed by Donna Murray against the City and County of San Francisco for $245,000; the lawsuit was filed on September 22, 2010, in San Francisco Superior Court, Case No. CGC-10-503853; entitled Donna Murray v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**120161 [Settlement of Claim - Sally Bowman - $70,000]**

Resolution approving the settlement of the unlitigated claim filed by Sally Bowman against the City and County of San Francisco for $70,000; claim was filed on May 24, 2011. (City Attorney)

**ADOPTED**

**120162 [Settlement of Unlitigated Claim - James Murray - $43,500]**

Resolution approving the settlement of the unlitigated claim filed by James Murray against the City and County of San Francisco for $43,500; claim was filed on April 06, 2011. (City Attorney)

**ADOPTED**

**120011 [Appointment, Children and Families First Commission - Anda Kuo]**

Motion appointing Anda Kuo, term ending April 29, 2014, to the Children and Families First Commission. (Clerk of the Board)

**Motion No.** M12-044

**APPROVED**

**120172 [Appointments, Workforce Investment Community Advisory Committee - Doug Parrish, Liz Jackson-Simpson, Winnie Yu, and Sheryl Davis]**

Motion appointing Doug Parrish, term ending February 19, 2013, Liz Jackson-Simpson, Winnie Yu, and Sheryl Davis, terms ending February 19, 2014, to the Workforce Investment Community Advisory Committee. (Clerk of the Board)

**Motion No.** M12-045

**APPROVED**

**120215 [Appointments, In-Home Supportive Services Public Authority - Kenzi Robi, Gustavo Serina, and Luis Calderon]**

Motion appointing Kenzi Robi, Gustavo Serina, and Luis Calderon, terms ending March 1, 2015, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

**Motion No.** M12-046

**APPROVED**

**120218 [Appointments, Sweatfree Procurement Advisory Group - Jason Oringer, and Julienne Fisher]**

Motion appointing Jason Oringer and Julienne Fisher, terms ending December 17, 2013, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

**Motion No.** M12-047

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

# UNFINISHED BUSINESS

## From the Budget and Finance Sub-Committee Without Recommendation

### 120282 [Contract Approval - Certain Improvements to Port Property for 34th America's Cup Event; Authorizing Waiver of Certain Bidding and Contracting Requirements]

**Sponsor: Mayor**

Ordinance 1) authorizing the Port to amend a contract between the Port and Turner Construction Company to perform certain improvements to Piers 27-29, Piers 19 and 23, and Piers 30-32, and to remove portions of Pier ½ and 64; 2) alternatively, authorizing the Port to execute an agreement between the Port and one of the next highest-ranked proposers, in order of rank, for the Pier 27 Cruise Ship Terminal and Northeast Wharf Plaza Project, to perform certain improvements to Piers 27-29, Piers 19 and 23, and Piers 30-32, and to remove portions of Pier ½ and 64; 3) authorizing the Port to contract with the America's Cup Event Authority for assignment to the Port of its contract with Power Engineering Construction Company for improvements to Piers 30-32 only; 4) authorizing the Port to enter into a contract with AECOM for construction-design engineering services for improvements to Piers 30-32 related to the 34th America's Cup Event; and 5) waiving competitive bidding and solicitation requirements of Administrative Code Sections 6.20, 6.21, 6.68(A)-(F), 6.40, and 6.41, and requirements of Administrative Code Sections 14B.19(C)(1)-(5). (Fiscal Impact)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## From the Rules Committee Without Recommendation

### 111082 [Campaign and Governmental Conduct and Municipal Elections Codes - Amending Public Financing Program]

**Sponsors: Kim; Campos, Mar and Avalos**

Ordinance amending the Campaign and Governmental Conduct Code and the Municipal Elections Code to modify funding of the City's public financing program, to increase expenditure ceilings for supervisorial candidates, to delay the date on which public funds may be disbursed, to change the qualification requirements for participating candidates, and to advance the date by which all local candidates must file their nomination papers.

*Supervisor Elsbernd moved to divide the question relating to "Section 1.144(d)(4)" located on Page 15, Lines 10-13. The question PASSED AS DIVIDED by the following vote:*
*Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener*
*Noes: 3 - Chu, Elsbernd, Farrell*

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**120246 [Master License Agreement - Photovoltaic Power Projects]**

**Sponsors: Wiener; Mar**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to enter into a long term Master License Agreement for the installation of photovoltaic power projects on San Francisco Unified School District buildings, pursuant to San Francisco Charter Section 9.118.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120253 [Airline/Airport 2011 Lease and Use Agreement - Various Airlines]**

Resolution approving four new 2011 Airline/Airport Lease and Use Agreements between the City and County of San Francisco and various airlines, effective upon full City approval, to conduct flight operations at the San Francisco International Airport. (Airport Commission)
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120260 [Real Property Lease - Aardvark Storage Unlimited, Inc. - 600 Amador Street, Seawall Lot 344]**

Resolution approving Port Commission Lease No. L-14819 with Aardvark Storage Unlimited, Inc., for paved vacant land located at 600 Amador Street within Seawall Lot 344 in the Southern Waterfront with a sixty month term and a sixty month option. (Port)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120289 [Apply for, Accept and Expend Grant - California Catalyst Community Grant Program - $1,350,000]**

**Sponsor: Mayor**

Resolution authorizing the Director of the Office of Economic and Workforce Development to apply for, accept and expend grant funds in the amount of $1,350,000 from the California Department of Housing and Community Development's Catalyst Community Grant Program.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111341 [San Francisco Municipal Transportation Agency Revenue Bond Issuance - Not to Exceed $80,000,000]

**Sponsors: Chu; Wiener and Chiu**

Resolution authorizing the issuance of not to exceed $80,000,000 aggregate principal amount of San Francisco Municipal Transportation Agency Revenue Bonds for the purpose of financing certain capital improvements related to the Agency, including the refinancing of certain outstanding revenue bonds issued by various non-profit public benefit corporations and/or the Parking Authority of the City and County of San Francisco to finance certain improvements to garages owned by the Agency, the Authority or the City, and/or parking meters; approving the forms of documents relating thereto; approving the maximum interest thereon; finding that the authorization and issuance of revenue bonds by the Agency is not a project under California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administration Code Chapter 31; and related matters. (Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 111354 [Administrative Code - San Francisco Municipal Transportation Agency Revenue Bond]

**Sponsors: Chu; Wiener and Chiu**

Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XIII, Sections 43.13.1 through 43.13.8, to authorize the issuance of revenue bonds by the San Francisco Municipal Transportation Agency.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120242 [Appropriating $46,935,000 of 2012 Series A Refunding Revenue Bonds, and De-Appropriating $2,431,363 for the Municipal Transportation Agency in FY2011-2012]

**Sponsors: Mayor; Chu**

Ordinance appropriating $46,935,000 of the 2012 Series A Parking Garage Refunding, and de-appropriating $2,431,363 in existing debt service reserve funds, for the Municipal Transportation Agency in FY2011-2012 for parking meter and parking garage refunding, and placing these funds on Controller's Reserve pending the sale of the bonds.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120243 [Appropriating $28,300,000 of 2012 Series B Revenue Bonds for Transit Projects and Parking Garage Projects, for the Municipal Transportation Agency in FY2011-2012]

**Sponsors: Mayor; Chu**

Ordinance appropriating $28,300,000 of the 2012 Series B Revenue Bonds for Transit Projects and for Parking Garage Projects proceeds to the Municipal Transportation Agency in FY2011-2012 for improvements to transit access, reliability, communication, and capital improvements to parking garages; placing these funds on Controller's Reserve pending the sale of the bonds; and placing $1,600,000 for the Muni System Radio Replacement Project on Budget and Finance Committee Reserve.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120188 [Planning, Building Codes - Fee Waiver Program - Small Business Month - May 2012]

**Sponsor: Chu**

Ordinance: 1) recognizing Small Business Month in May 2012; 2) amending the San Francisco Planning and Building Codes to waive fees for the month of May for certain façade improvements; 3) making findings including environmental findings, findings of consistency with the General Plan, and priority policies of Planning Code Section 101.1.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Land Use and Economic Development Committee

### 120286 [Support for State and Federal Measures to Protect Homeowners and Suspension of Foreclosure Activities in San Francisco]

**Sponsors: Avalos; Campos, Chiu, Kim, Mar, Olague and Cohen**

Resolution supporting the California Homeowner Bill of Rights; urging City and County officials and departments to protect homeowners from unlawful foreclosures; and urging City contractors and all mortgage and banking institutions to suspend foreclosure activities and related auctions and evictions until State and Federal measures to protect homeowners from unfair and unlawful practices and provisions for principal reductions are in place.

**Supervisor Avalos, seconded by Supervisor Campos, moved that this Resolution be AMENDED on Page 4, Lines 1-3, by adding 'FURTHER RESOLVED, That the Board of Supervisors requests the Controller to conduct a follow up audit to the Assessor-Recorder Independent report entitled "Foreclosure in California: A Crisis of Compliance"; and'. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

## Privilege of the Floor

**Supervisor Avalos, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Susan Mizner, Director, Mayor's Office on Disability in recognition of her service to the City and County of San Francisco. Supervisors Avalos, Chu, Kim, Mar, Wiener, and Olague shared in this recognition.*

*Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Stephen Golding of the Department of Emergency Mangement in recognition of being named 911 Dispatcher of the Year.*

# COMMITTEE REPORT

## Recommendation of the Land Use and Economic Development Committee

### 120084 [Planning Code - Eating and Drinking Establishment Definitions and Controls]

**Sponsors: Wiener; Olague, Chu and Mar**

Ordinance: 1) deleting and amending various sections of the San Francisco Planning Code to simplify and consolidate eating and drinking establishment definitions, and subject the newly-defined uses to Section 312 notification and Formula Retail controls; 2) adding Section 703.5 to establish operating conditions for Bars and Restaurants; and 3) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**Supervisor Wiener, seconded by Supervisor Chu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisors Kim and Cohen requested to be added as co-sponsors.*

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

*Supervisor Wiener was noted absent at 3:58 p.m. and noted present at 4:07 p.m.*
*Supervisor Mar was noted absent at 3:58 p.m. and noted present at 4:05 p.m.*
*Supervisor Chiu was noted absent at 4:05 p.m. and noted present at 4:22 p.m.*
*Supervisor Farrell was noted absent at 4:05 p.m. and noted present at 4:15 p.m.*
*Supervisor Olague was noted absent at 4:10 p.m. and noted present at 4:40 p.m.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Francisco Da Costa, expressed various concerns.*
*Peter Warfield; expressed concerns relating to the SF Public Library and redactions.*
*Eugene Gordon, Jr.; expressed various religious concerns.*
*Emil Lawrence; expressed various concerns.*
*Male Speaker; expressed various concerns relating to housing.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Allison Marshall; spoke expressing support for open strollers on MUNI.*
*Sophie Hayward; spoke expressing support for open strollers on MUNI.*
*Shauna; expressed support for Medical cannabis.*
*Carine Rashey; spoke expressing support for open strollers on MUNI.*
*Todd David; spoke expressing support for open strollers on MUNI.*
*Greg Ledbetter; expressed support for Medical cannabis.*
*Female Speaker; spoke expressing support for open strollers on MUNI.*
*Bill Stephens; spoke regarding National Public Safety Communicators Week.*
*David Barlow; expressed various concerns relating to the taxi cab industry.*
*Edmund Juicy; expressed various concerns.*
*Mark Trout; expressed various religious concerns.*

## CLOSED SESSION

## CONFERENCE WITH LABOR NEGOTIATORS

### 120330 [Closed Session - Update on Labor Negotiations]

**Sponsor: Chiu**

Motion that the Board of Supervisors convene in closed session on April 10, 2012, with the Mayor's Office and the Department of Human Resources pursuant to Section 67.10(e) of the San Francisco Administrative Code and Section 54957.6 of the California Government Code regarding negotiations with labor unions representing City employees.

*Supervisor Farrell, seconded by Supervisor Campos moved that this Motion be ADOPTED. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Campos, seconded by Supervisor Olague moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.*

**Motion No.** M12-048

**Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Kim was noted absent at 4:56 p.m. for the remainder of the meeting.*

*CONVENED IN CLOSED SESSION*

*The Board recessed at the hour of 4:56 p.m. to convene in closed session pursuant to the above motion.*

*The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener*

*Persons in attendance:*
*Kate Howard, Mayor's Budget Office*
*Cheryl Adams, Deputy City Attorney*
*Micki Callahan, Director of Department of Human Resources*
*Martin Gran, Director of Employee Relations*
*Angela Calvillo, Clerk of the Board*
*Rick Caldeira, Legislative Deputy Director*

*Matter was heard in Closed Session and Filed.*

*RECONVENING OF THE BOARD*

*The Board at the hour of 5:36 p.m. reconvened.*

*The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener*

*[Elect Not to Disclose]*
*Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.*

**Supervisor Chu, seconded by Supervisor Mar, moved not disclose its Closed Session deliberations. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague, Wiener
Absent: 1 - Kim

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*Supervisor Cohen was noted absent at 4:34 p.m. and noted present at 4:49 p.m.*

### 120304 [Final Map 6393: 307 Page Street, and 265 Laguna Street]

Motion approving Final Map 6393, a Six Unit Residential, One Unit Commercial Mixed-Use Condominium Project, located at 307 Page Street, and 265 Laguna Street; being a subdivision of Assessor's Block No. 0851, Lot No. 001; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M12-049

**APPROVED**

### 120327 [Urging Opposition to Governor Brown's Proposal to Raise the Cal Grant Threshold]

**Sponsors: Kim; Mar**

Resolution urging the California State Legislature to oppose California Governor Jerry Brown's proposal in the 2012-2013 budget that would raise the bar for Cal Grant financial aid.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Cohen

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Elsbernd requested that File No. 120324 be severed so that it may be considered separately.*

### 120324 [Supporting Assembly Bill 1081 - The TRUST Act]

**Sponsors: Campos; Avalos, Chiu, Kim, Mar, Olague and Wiener**

Resolution supporting Assembly Bill 1081 (Ammiano) the TRUST Act, a bill that establishes standards for local governments to ensure that an individual will only be detained pursuant to an Immigration and Customs Enforcement hold if that individual has been convicted of a serious or violent felony, and provides key safeguards against profiling and the wrongful detention of U.S. Citizens.

**Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to April 17, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Cohen

*Supervisors Chiu and Wiener requested that File No. 120326 be severed so that it may be considered separately.*

### 120326 [Urging the San Francisco Municipal Transportation Agency to Permit Strollers on Muni Vehicles]

**Sponsors: Chiu; Elsbernd and Mar**

Resolution urging the San Francisco Municipal Transportation Agency to permit strollers on Muni vehicles and to adopt stroller policies that give parents and caregivers better access to public transportation.

**Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED on Page 2, Line 6, to read 'current standards of public safety'. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Cohen

**Supervisor Wiener, seconded by Supervisor Avalos, moved that this Resolution be AMENDED on Page 2, beginning on Line 1, by adding 'and, WHEREAS, SFMTA is implementing the Transit Effectiveness Project to improve Muni's speed and reliability; now, therefore, be it' and on Page 2, Line 6, by adding 'as well as the goals of the TEP to improve MUNI's speed and reliability'. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Cohen

*Supervisors Avalos and Chu requested to be added as a co-sponsor.*

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*Supervisor Elsbernd was noted absent at 3:44 p.m. and noted present at 3:55 p.m.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Elsbernd

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Elsbernd

### 120348 [Susan Mizner Day - April 10, 2012]

**Sponsor: Avalos**

Resolution declaring April 10, 2012, Susan Mizner Day in the City and County of San Francisco in honor of her service as the Director of the Mayor's Office on Disability.

*The President inquired as to whether any member of the public wished to address the Board relating to Susan Mizner Day as referenced in File No. 120348. Walter Paulson shared in song appreciation for Susan Mizner. There were no other speakers. The President declared public comment closed.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## LEGISLATION INTRODUCED AT ROLL CALL

*Pursuant to Charter Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

*Pursuant to Section 2.8 of the Rules of Order of the Board of Supervisors, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board and introduced by the President.*

## PROPOSED ORDINANCE

**120275 [Administrative Code - Department of Building Inspection Cash Revolving Fund]**
Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from $2,000 to $4,500. (Building Inspection Commission)

04/02/12; RECEIVED FROM DEPARTMENT.

04/10/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 5/10/2012.

## PROPOSED RESOLUTIONS

**120276 [Local Support for Cesar Chavez Streetscape Project]**
Resolution re-directing a $3,367,985 Congestion Management Agency Block Grant from the Second Street Streetscape project to the Cesar Chavez Streetscape project; affirming local support of the project; reiterating commitment of the necessary non-federal match of $436,358; and stating assurance to complete the project. (Public Works Department)

04/02/12; RECEIVED FROM DEPARTMENT.

04/10/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120333 [Authorizing the Acquisition of a Temporary Construction License By Eminent Domain for Central Subway/Third Street Light Rail Extension - 55 Stockton Street]**
Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 55 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0327, Lots 001, 002, 003, and 020, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

04/02/12; RECEIVED FROM DEPARTMENT.

04/10/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120335 [Authorizing the Acquisition of a Temporary Construction License By Eminent Domain for Central Subway/Third Street Light Rail Extension - 233 Geary Street]**
Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 233 Geary Street, San Francisco, California, Assessor's Parcel No. Block 0314, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

04/02/12; RECEIVED FROM DEPARTMENT.

04/10/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120337 [Authorizing the Acquisition of a Temporary Construction License By Eminent Domain for Central Subway/Third Street Light Rail Extension - 77 O'Farrell Street]**
Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lots 003 and 004, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

04/02/12; RECEIVED FROM DEPARTMENT.

04/10/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120339 [Authorizing the Acquisition of a Temporary Construction License By Eminent Domain for Central Subway/Third Street Light Rail Extension - 150 Stockton Street]**
Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 150 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0313, Lot 018, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

04/02/12; RECEIVED FROM DEPARTMENT.

04/10/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:38 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

APR 20 2012

SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, April 17, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Olague was noted absent. There was a quorum.*

### Supervisor Olague Excused from Voting

**Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Olague be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Campos, seconded by Supervisor Farrell, moved to approve the Board Meeting Minutes of March 13, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## COMMUNICATIONS

*There were none.*

# CONSENT AGENDA

## Recommendations of the Budget and Finance Sub-Committee

### 111354 [Administrative Code - San Francisco Municipal Transportation Agency Revenue Bond]

**Sponsors: Chu; Wiener and Chiu**

Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XIII, Sections 43.13.1 through 43.13.8, to authorize the issuance of revenue bonds by the San Francisco Municipal Transportation Agency.
(Fiscal Impact)

**FINALLY PASSED**

### 120242 [Appropriating $46,935,000 of 2012 Series A Refunding Revenue Bonds, and De-Appropriating $2,431,363 for the Municipal Transportation Agency in FY2011-2012]

**Sponsors: Mayor; Chu**

Ordinance appropriating $46,935,000 of the 2012 Series A Parking Garage Refunding, and de-appropriating $2,431,363 in existing debt service reserve funds, for the Municipal Transportation Agency in FY2011-2012 for parking meter and parking garage refunding, and placing these funds on Controller's Reserve pending the sale of the bonds.

**FINALLY PASSED**

### 120243 [Appropriating $28,300,000 of 2012 Series B Revenue Bonds for Transit Projects and Parking Garage Projects, for the Municipal Transportation Agency in FY2011-2012]

**Sponsors: Mayor; Chu**

Ordinance appropriating $28,300,000 of the 2012 Series B Revenue Bonds for Transit Projects and for Parking Garage Projects proceeds to the Municipal Transportation Agency in FY2011-2012 for improvements to transit access, reliability, communication, and capital improvements to parking garages; placing these funds on Controller's Reserve pending the sale of the bonds; and placing $1,600,000 for the Muni System Radio Replacement Project on Budget and Finance Committee Reserve.

**FINALLY PASSED**

### 120188 [Planning, Building Codes - Fee Waiver Program - Small Business Month - May 2012]

**Sponsors: Chu; Mar and Kim**

Ordinance: 1) recognizing Small Business Month in May 2012; 2) amending the San Francisco Planning and Building Codes to waive fees for the month of May for certain façade improvements; 3) making findings including environmental findings, findings of consistency with the General Plan, and priority policies of Planning Code Section 101.1.

*Supervisors Mar and Kim requested to be added as co-sponsors.*

**FINALLY PASSED**

## Recommendation of the Land Use and Economic Development Committee

**120126 [Accept and Expend Grant - Existing Commercial Buildings Energy Performance Policy Implementation - $180,000]**

**Sponsor: Chiu**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $180,000 from the Kresge Foundation to implement the Existing Commercial Buildings Energy Performance Ordinance (San Francisco Environment Code Chapter 20).

**ADOPTED**

## Recommendations of the Rules Committee

**120134 [Settlement of Lawsuit - Timothy Hoyt - $80,000]**

Ordinance authorizing settlement of the lawsuit filed by Timothy Hoyt against the City and County of San Francisco for $80,000; the lawsuit was filed on April 26, 2010, in U.S. District Court, Case No. CV 10-01778 RS; entitled Timothy Hoyt v. the City and County of San Francisco, et al. (City Attorney)

**FINALLY PASSED**

**120163 [Settlement of Lawsuit - Patricia Banks - $50,000]**

Ordinance authorizing settlement of the lawsuit filed by Patricia Banks against the City and County of San Francisco for $50,000; the lawsuit was filed on August 5, 2009, in San Francisco Superior Court, Case No. CGC-09-491089; entitled Patricia Banks, et al. v. City and County of San Francisco, et al. (City Attorney)

**FINALLY PASSED**

**120164 [Settlement of Lawsuit - Pacific States Environmental Contractors, Inc. - $425,000]**

Ordinance authorizing settlement of the lawsuit filed by Pacific States Environmental Contractors, Inc., against the City and County of San Francisco for $425,000; the lawsuit was filed on November 20, 2009, in San Mateo County Superior Court and subsequently transferred to San Francisco County Superior Court, Case No. CGC-10-501403, entitled Pacific States Environmental Contractors, Inc. v. City and County of San Francisco, et al.; other material terms of the settlement are: 1) mutual releases except for latent defects, 2) dismissal of the complaint with prejudice, and 3) each side to bear its own attorneys fees and costs. (City Attorney)

**FINALLY PASSED**

**120181 [Settlement of Lawsuit - Christine Peterson - $34,000]**

Ordinance authorizing settlement of the lawsuit filed by Christine Peterson against the City and County of San Francisco for $34,000; the lawsuit was filed on November 25, 2009, in San Francisco Superior Court, Case No. CGC-09-494798 (Consolidated with Case No. CGC-10-500217); entitled Christine Peterson, et al. v. City and County of San Francisco, et al. (City Attorney)

**FINALLY PASSED**

**120182 [Settlement of Lawsuit - Wilma Espinosa - $275,000]**
Ordinance authorizing settlement of the lawsuit filed by Wilma Espinosa against the City and County of San Francisco for $275,000; the lawsuit was filed on March 9, 2011, in San Francisco Superior Court, Case No. CGC-11-508999; entitled Wilma Espinosa, et al. v. City and County of San Francisco, et al. (City Attorney)

**FINALLY PASSED**

**120187 [Settlement of Lawsuit - Airis v. CCSF, et al. - $7,500,000]**
Ordinance authorizing settlement of the lawsuit filed by Airis SFO, LLC, Airis Holdings, LLC, and Duane Morris LLP ("Airis") against the City and County of San Francisco (the "City") for $7,500,000; the lawsuit was filed on July 15, 2005, in San Mateo Superior Court, Case No. 448274, entitled Airis SFO, LLC, et al. v. City and County of San Francisco, et al.; other material terms include a full and final release by Airis of all claims for attorneys' fees, costs, and post judgment interest. (City Attorney)

**FINALLY PASSED**

**120238 [Settlement of Lawsuit - Fonseca v. Fong, et al. - $73,000]**
Ordinance authorizing settlement of the lawsuit filed by Charles Fonseca against the City and County of San Francisco for $73,000 in attorney's fees and costs; the lawsuit was filed on May 4, 2007, in San Francisco Superior Court, Case No. CPF-07-507227; entitled Fonseca v. Heather Fong, et al. (City Attorney)

**FINALLY PASSED**

**120239 [Settlement of Lawsuit - Preston, et al. v. CCSF, et al. - $100,000]**
Ordinance authorizing settlement of the lawsuit filed by Bonnie Preston against the City and County of San Francisco for $100,000; the lawsuit was filed on June 16, 2010, in San Francisco Superior Court, Case No. CGC-10-499015; entitled Bonnie Preston, et al. v. City and County of San Francisco, et al. (City Attorney)

**FINALLY PASSED**

**120258 [Settlement of Lawsuit - Bigeleisen v. CCSF - $30,000]**
Ordinance authorizing settlement of the lawsuit filed by David Bigeleisen against the City and County of San Francisco for $30,000; the lawsuit was filed on February 3, 2011, in San Francisco Superior Court, Case No. CGC-11-507900; entitled David Bigeleisen, v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney)

**FINALLY PASSED**

**120259 [Settlement of Lawsuit - Donna Murray v. CCSF - $245,000]**
Ordinance authorizing settlement of the lawsuit filed by Donna Murray against the City and County of San Francisco for $245,000; the lawsuit was filed on September 22, 2010, in San Francisco Superior Court, Case No. CGC-10-503853; entitled Donna Murray v. City and County of San Francisco, et al. (City Attorney)

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Land Use and Economic Development Committee

**120084 [Planning Code - Eating and Drinking Establishment Definitions and Controls]**
**Sponsors: Wiener; Olague, Chu, Mar, Kim and Cohen**

Ordinance: 1) deleting and amending various sections of the San Francisco Planning Code to simplify and consolidate eating and drinking establishment definitions, and subject the newly-defined uses to Section 312 notification and Formula Retail controls; 2) adding Section 703.5 to establish operating conditions for Bars and Restaurants; and 3) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**FINALLY PASSED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**120082 [Administrative Code - Benefit Corporation Discount]**
**Sponsor: Chiu**

Ordinance amending the San Francisco Administrative Code by adding Chapter 14C, Sections 14C.1 through 14C.3 to provide for a downward adjustment in price or upward adjustment in rating of a proposal or bid from a California Benefit Corporation for a competitively-solicited City contract.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

**120237 [Airport Professional Services Agreement - New South Parking - California - Not to Exceed $95,969,983]**

Resolution approving the Professional Services Agreement for the management and operation of the Airport's Public and Employee Parking between New South Parking - California and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission) (Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 120245 [Contract Amendment - Netsmart New York, Inc. - Not to Exceed $31,786,819]

**Sponsor: Mayor**

Resolution authorizing the Department of Public Health to execute a contract amendment with Netsmart New York, Inc., to acquire product enhancements and extend the initial term of the agreement for an amended term of August 1, 2008, through June 30, 2018.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 120305 [San Francisco Summer Jobs+ Campaign]

**Sponsors: Olague; Campos, Avalos, Kim, Chu and Mar**

Resolution urging the Mayor to launch a San Francisco Summer Jobs+ Campaign by identifying private and public sector funds, securing private sector job opportunities, and developing infrastructure to manage internships so as to increase the summer employment opportunities for San Francisco's disconnected young people.

*Supervisor Mar requested to be added as a co-sponsor.*

**Supervisor Campos, seconded by Supervisor Cohen, moved that this Resolution be CONTINUED to April 24, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## Recommendation of the Rules Committee

### 120298 [Appointment, Health Commission - Bell Taylor-McGhee]

Motion approving the Mayor's appointment of Belle Taylor-McGhee, term ending January 15, 2016, to the Health Commission. (Clerk of the Board)
(Charter Section 3.100-18 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - March 19, 2012.)

**Motion No.** M12-050

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

*There were none.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*Ray Hartz; expressed concerns relating to open government and enforcement issues..(See additional information submitted on*
*Page 10.)*
*Francisco Da Costa, expressed various concerns relating to public comment.*
*Mark Trout; expressed various religious concerns.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Colin Gallagher; spoke in opposition to the Armenian Genocide Commemoration Day legislation.*
*Barbara Tengeri, expressed various concerns relating to the Sheriff Mirkarimi proceedings.*
*Tom Gilberty; expressed various concerns relating to noise pollution.*
*Peter Warfield; expressed concerns relating to enforcement issues and Bernal Branch Library Mural Project.*
*Male Speaker; expressed various concerns.*
*Female Speaker; spoke in favor of the Armenian Genocide Commemoration Day legislation.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120324 [Supporting Assembly Bill 1081 - The TRUST Act]

**Sponsors: Campos; Avalos, Chiu, Kim, Mar, Olague and Wiener**

Resolution supporting Assembly Bill 1081 (Ammiano) the TRUST Act, a bill that establishes standards for local governments to ensure that an individual will only be detained pursuant to an Immigration and Customs Enforcement hold if that individual has been convicted of a serious or violent felony, and provides key safeguards against profiling and the wrongful detention of U.S. Citizens.

**ADOPTED**

### 120370 [Armenian Genocide Commemoration Day - April 24, 2012]

**Sponsor: Elsbernd**

Resolution declaring April 24, 2012, as Armenian Genocide Commemoration Day in the City and County of San Francisco.

**ADOPTED**

### 120371 [Urging the Director of HOPE to Convene a Shelter Reform Working Group]

**Sponsors: Kim; Campos**

Resolution urging the Director of HOPE to convene a working group to develop a series of recommendations on how the city can improve access to shelter for all, improve programming within the shelter and explore opportunities to better assess the health needs of shelter clients.

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Chu requested that File No. 120369 be severed so that it may be considered separately.*

### 120369 [Department of Children, Youth and Their Families Children's Services Allocation Plan]

**Sponsor: Chu**

Resolution approving the Community Needs Assessment developed by the Department of Children, Youth and Their Families in accordance with Section 16.108 of the San Francisco Charter.

**Supervisor Chu, seconded by Supervisor Mar, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

Resolution approving the Children's Services Allocation Plan developed by the Department of Children, Youth and Their Families in accordance with Section 16.108 of the San Francisco Charter.

**Supervisor Chu, seconded by Supervisor Mar, moved that this Resolution be CONTINUED AS AMENDED to April 24, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED RESOLUTIONS

### 120014 [Airport Lease - Alclear, LLC]

Resolution approving the Expedited Traveler Service Lease between Alclear, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

04/03/12; RECEIVED FROM DEPARTMENT.

04/17/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### 120015 [Airport Lease and Operating Agreement - Smarte Carte, Inc.]

Resolution approving the Luggage Cart Lease and Operating Agreement between Smarte Carte, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

04/03/12; RECEIVED FROM DEPARTMENT.

04/17/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**120016 [Street Encroachment - Outdoor Child Play Area - Redwood Street]**

Resolution: 1) granting revocable permission to the Public Utilities Commission to occupy a portion of the public right-of-way on Redwood Street, approximately 150 feet west of Polk Street to construct and maintain an outdoor play area accessible to a child care facility within the new building at 525 Golden Gate Avenue (Assessor's Block No. 0766, Lot No. 001); and 2) making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

04/06/12; RECEIVED FROM DEPARTMENT.

04/17/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 3:17 p.m.*

## Addendum

*The following information is provided by a speaker, pursuant to Administrative Code Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.*

*Ray Hartz submitted the following additional information durlng Public Comment as follows: 'Most people in San Francisco pay little or no attention to how the City operates. When the Ethics Commission heard the case of Jewelle Gomez, President of the Library Commission, these were the headlines: "Ethics panel reprimands lesbian library commissioner" (Bay Area Reporter); "S.F. mayor asked to remove Library Commission Head" (SFGate.com); "Ethics to Mayor: Pls Fire Library Prez Jewelle Gomez" (CityReport); and Ethics Commission Must Beg Mayor to Enforce Sunshine Ordinance" (SFWeekly). It's pretty clear where Mayor Ed Lee stands on enforcement issues: if it's a matter of a person under his direct control, let them stay; if it's a person lawfully elected by the citizens of San Francisco, out that person goes. The question now is how this Board of Supervisors chooses to handle this matter? Will it accept and enforce a politically motivated action, cynically placed by the Mayor before the Ethics Commission, should it recommend removal?'*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT DOCUMENTS DEPT
APR 27 2012
SAN FRANCISCO PUBLIC LIBRARY

**Tuesday, April 24, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 20, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

*There were no items.*

# REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

**120295 [Adopting Findings Related to the Conditional Use Authorization - 1111 California Street]**

Motion adopting findings supporting the Board's decision to: 1) disapprove the decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street; and 2) approve Conditional Use Authorization on property located at 1111 California Street subject to conditions imposed by the Board of Supervisors on April 3, 2012. (Clerk of the Board)

**Motion No.** M12-051

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### Recommendations of the Budget and Finance Sub-Committee

**120082 [Administrative Code - Benefit Corporation Discount]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Administrative Code by adding Chapter 14C, Sections 14C.1 through 14C.3 to provide for a downward adjustment in price or upward adjustment in rating of a proposal or bid from a California Benefit Corporation for a competitively-solicited City contract.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120305 [San Francisco Summer Jobs+ Campaign]**

**Sponsors: Olague; Campos, Avalos, Kim, Chu and Mar**

Resolution urging the Mayor to launch a San Francisco Summer Jobs+ Campaign by identifying private and public sector funds, securing private sector job opportunities, and developing infrastructure to manage internships so as to increase the summer employment opportunities for San Francisco's disconnected young people.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**120321 [Accept and Expend Grant - FY2011 Urban Areas Security Initiative Grant and Amendment to Annual Salary Ordinance - $35,546,960]**

**Sponsors: Mayor; Chiu**

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the Urban Areas Security Initiative Approval Authority (UASI), to retroactively accept and expend a UASI grant in the amount of $35,546,960 from the United States Department of Homeland Security, through the California Emergency Management Agency; and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012) to reflect the addition of one grant-funded position in the Police Department, as follows: one position (.33 FTE) in Class 1824 Principal Administrative Analyst.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120283 [De-Appropriating $6,672,963 in Salaries and Fringe Benefits and Re-Appropriating to Overtime in the Fire Department for FY2011-2012]**

**Sponsor: Mayor**

Ordinance de-appropriating $6,672,963 consisting of $5,000,000 in salaries and $1,672,963 in fringe benefits in the Fire Department's operating budget and re-appropriating $6,672,963 to overtime in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requires a two-thirds vote of all members of the Board of Supervisors for approval.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120284 [De-Appropriating $2,525,468 in Fringe Benefits and Re-Appropriating to Overtime in the Police Department for FY2011-2012]**

**Sponsor: Mayor**

Ordinance de-appropriating $2,525,468 in fringe benefits in the Police Department's operating budget and re-appropriating $2,525,468 to overtime in order to support the department's projected increases in overtime as required per Ordinance No. 194-11.
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120285 [De-Appropriating $320,000 in Salaries and Re-Appropriating to Overtime in the Public Utilities Commission for FY2011-2012]

**Sponsor: Mayor**

Ordinance de-appropriating $320,000 consisting of $250,000 in salaries in the Public Utilities Commission Clean Water Department operating budget and re-appropriating $250,000 to overtime, and de-appropriating $70,000 in salaries in the Public Utilities Commission Hetch Hetchy Power Department and re-appropriating $70,000 to overtime, in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requires a two-thirds vote of all members of the Board of Supervisors for approval.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120319 [Appropriating Surplus Revenues and Expenditures and General Fund Reserve to Support Shortfalls in the Department of Public Health for FY2011-2012]

**Sponsor: Mayor**

Ordinance recognizing revenue losses of $31,477,332 in the Department of Public Health and appropriating $67,629,934 of Senate Bill 1128 Reimbursement Revenues, $25,620,000 of surplus General Hospital Revenues, and $6,555,007 of General Fund Reserves for State Revenue losses to support additional expenditures in the Department of Public Health including $28,160,000 at San Francisco General Hospital, $13,090,000 at Laguna Honda Hospital, and $27,077,609 for a debt service reserve in FY2011-2012.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120255 [Contract Amendment - War Memorial Veterans Building Seismic Upgrade and Improvements Project - Not to Exceed $11,621,721]

Resolution authorizing the Director of Public Works to execute an amendment to the Executive Structural Engineering and Consultant Services for the War Memorial Veterans Building Seismic Upgrade and Improvements Project to increase the not-to-exceed amount from $2,758,445 to $11,621,721. (Public Works Department)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Land Use and Economic Development Committee

### 120138 [Changing Official Sidewalk Width - Portions of Golden Gate Avenue, Polk Street, and Redwood Alley]

Ordinance: 1) amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks by adding thereto Section 1593 to change the official sidewalk width of, a) Golden Gate Avenue starting at the southwest corner of the intersection of Golden Gate Avenue and Polk Street and continuing west 104 feet, b) Polk Street starting at the southwest corner of the intersection of Golden Gate Avenue and Polk Street and continuing south for 78 feet, and c) Redwood Alley starting at the northwest corner of the intersection of Polk Street and Redwood Alley and continuing west for 173 feet; 2) making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and 3) requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120217 [Street Artist Spaces - Market Street, North Side, Spear to Steuart Streets]**

Resolution approving for six months designation of six temporary selling spaces on Market Street, North Side, Spear to Steuart Streets, for street artists certified by Arts Commission, City and County of San Francisco; and exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size. (Arts Commission)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

*There were none.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Damon Hernandez; spoke regarding digital media and capabilities.*
*E.K. Keith; shared in poem support for Poems Under the Dome proclamation.*
*Tom Gilberty; expressed various concerns relating to noise pollution.*
*Douglas Yep; expressed various concerns.*
*Male Speaker; expressed various religious concerns.*
*Female Speaker; spoke in support for benefit corporations.*
*Wynship Hillier; expressed various concerns relating to medical experimentation.*
*John; expressed various concerns relating to name changes.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**120369 [Department of Children, Youth, and Their Families Children's Services Allocation Plan]**

**Sponsor: Chu**

Resolution approving the Children's Services Allocation Plan developed by the Department of Children, Youth, and Their Families in accordance with Section 16.108 of the San Francisco Charter.

**ADOPTED**

**120389 [Poems Under the Dome Day - April 27, 2012]**

**Sponsors: Avalos; Campos**

Resolution proclaiming April 27, 2012, as Poems Under the Dome Day in the City and County of San Francisco.

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

### 120390 [Supporting Assembly Bill 1990 - "Solar for All"]

**Sponsors: Campos; Avalos, Mar and Kim**

Resolution in support of Assembly Bill 1990, referred to as "Solar for All," a bill that seeks to build local clean renewable energy in low-income communities of color that are most impacted by nearby power plants and dirty oil refineries and create thousands of green jobs.

ADOPTED

### 120391 [Supporting The Bay Lights Fine Art Installation and Public Works Project]

**Sponsors: Kim; Mar**

Resolution supporting The Bay Lights art installation on the Bay Bridge west span, beginning with its Grand Lighting in 2012 and continuing with illumination throughout 2014.

*Supervisor Mar requested to be added as a co-sponsor.*

ADOPTED

### 120392 [Accept and Expend Grant - Plug-In Electric Vehicle Infrastructure Readiness Planning - $49,957]

**Sponsor: Mar**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant of $49,957 from the Bay Area Air Quality Management District to assist the District in preparing a Regional Plug-In Electric Vehicle Infrastructure Readiness Planning Study.

ADOPTED

### 120331 [Committees of the Whole - Public Hearings to Acquire Temporary Construction Licenses at Various Real Properties by Eminent Domain for Central Subway/Third Street Light Rail Extension - May 1, 2012]

Motion that the Board of Supervisors hold public hearings on May 1, 2012, at 3:00 p.m., with the Board of Supervisors sitting as Committees of the Whole, to consider acquisition of temporary construction licenses at various real properties by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension. (Clerk of the Board)

**Motion No.** M12-052

APPROVED

### 120396 [Outside Counsel - Official Misconduct Proceedings]

Motion to approve the retention of outside legal counsel to advise and represent the Board of Supervisors, in place of the City Attorney's Office, with respect to legal issues relating to the official misconduct proceedings involving Sheriff Ross Mirkarimi. (Clerk of the Board)

**Motion No.** M12-053

APPROVED

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCE

### 120068 [Settlement of Lawsuit - Kevin Woodson v. CCSF - $45,000]

Ordinance authorizing settlement of the lawsuit filed by Kevin Woodson against the City and County of San Francisco for $45,000; the lawsuit was filed on December 10, 2010, in the United States District Court, Northern District of California, Case No. C11-00057 JCS; entitled Kevin Woodson, et al. v. City and County of San Francisco, et al. and the waiver of the San Francisco General Hospital lien. (City Attorney)

04/12/12; RECEIVED FROM DEPARTMENT.

04/24/12; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/24/2012.

## PROPOSED RESOLUTIONS

### 120069 [Lease of Real Property - T-Mobile West Corporation - 720 Moscow Street]

Resolution authorizing the lease by T-Mobile West Corporation of approximately 160 rentable square feet of ground space located at 720 Moscow Street for the San Francisco Fire Department. (Real Estate Department)

04/13/12; RECEIVED FROM DEPARTMENT.

04/24/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### 120070 [Freeway Maintenance Agreement - Interchange at Highway 101/Richardson Avenue - Lyon Street]

Resolution: 1) approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for Highway 101/Richardson Avenue at Lyon Street; and 2) authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

04/16/12; RECEIVED FROM DEPARTMENT.

04/24/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

### 120278 [Amending Resolution of Intention to Form Waterfront Infrastructure Financing District]

Resolution amending Resolution of Intention to establish Infrastructure Financing District No. 2 (File No. 120128) for the City and County of San Francisco at the Port of San Francisco. (Port)

04/16/12; RECEIVED FROM DEPARTMENT.

04/24/12; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**120279 [Lease of Real Property - Golden Bear Restaurant Company III, dba Mission Rock Resort - 817 Terry A. Francois Boulevard]**

Resolution approving Port Commission Lease No. L-15108 with Golden Bear Restaurant Company III, dba Mission Rock Resort, for restaurant building, deck, and land of approximately 7,924 square feet located at 817 Terry A. Francois Boulevard in the Central Waterfront with a 15 year term and one five year option. (Port)

04/16/12; RECEIVED FROM DEPARTMENT.

04/24/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**120280 [Lease of Real Property Renewal - BRCP 1390 Market, LLC]**

Resolution authorizing a lease amendment to extend the term of the City Attorney lease with BRCP 1390 Market, LLC, for premises at 1390 Market Street (Fox Plaza), consisting of approximately 69,402 square feet, by five years and granting to the City two additional five year extension options. (Real Estate Department)

04/16/12; RECEIVED FROM DEPARTMENT.

04/24/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**120281 [Lease of Real Property - 220 Golden Gate Clinic, LLC - 230 Golden Gate Avenue]**

Resolution authorizing the lease of approximately 11,700 sq. ft. at 230 Golden Gate Avenue with 220 Golden Gate Clinic, LLC, for the Department of Public Health for use as a health clinic. (Real Estate Department)

04/16/12; RECEIVED FROM DEPARTMENT.

04/24/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 2:52 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAY - 7 2012

SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, May 1, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.*

# AGENDA CHANGES

*There were none.*

# APPROVAL OF MEETING MINUTES

**Supervisor Farrell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of March 27, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# COMMUNICATIONS

*There were none.*

# CONSENT AGENDA

## Recommendations of the Budget and Finance Sub-Committee

**120321 [Accept and Expend Grant - FY2011 Urban Areas Security Initiative Grant and Amendment to Annual Salary Ordinance - $35,546,960]**

**Sponsors: Mayor; Chiu**

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the Urban Areas Security Initiative Approval Authority (UASI), to retroactively accept and expend a UASI grant in the amount of $35,546,960 from the United States Department of Homeland Security, through the California Emergency Management Agency; and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012) to reflect the addition of one grant-funded position in the Police Department, as follows: one position (.33 FTE) in Class 1824 Principal Administrative Analyst.

FINALLY PASSED

### 120284 [De-Appropriating $2,525,468 in Fringe Benefits and Re-Appropriating to Overtime in the Police Department for FY2011-2012]

**Sponsor: Mayor**

Ordinance de-appropriating $2,525,468 in fringe benefits in the Police Department's operating budget and re-appropriating $2,525,468 to overtime in order to support the department's projected increases in overtime as required per Ordinance No. 194-11.
(Fiscal Impact)

**FINALLY PASSED**

### 120319 [Appropriating Surplus Revenues and Expenditures and General Fund Reserve to Support Shortfalls in the Department of Public Health for FY2011-2012]

**Sponsor: Mayor**

Ordinance recognizing revenue losses of $31,477,332 in the Department of Public Health and appropriating $67,629,934 of Senate Bill 1128 Reimbursement Revenues, $25,620,000 of surplus General Hospital Revenues, and $6,555,007 of General Fund Reserves for State Revenue losses to support additional expenditures in the Department of Public Health including $28,160,000 at San Francisco General Hospital, $13,090,000 at Laguna Honda Hospital, and $27,077,609 for a debt service reserve in FY2011-2012.

**Ordinance No.** 077-12

**FINALLY PASSED**

## Recommendation of the City Operations and Neighborhood Services Committee

### 120079 [Liquor License Transfer - 1192 Guerrero Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 2449-23rd Street to 1192 Guerrero Street (District 8), to Hanna Baqain for Jump Start Coffee & Grocery, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**ADOPTED**

## Recommendations of the Land Use and Economic Development Committee

### 120138 [Changing Official Sidewalk Width - Portions of Golden Gate Avenue, Polk Street, and Redwood Alley]

Ordinance: 1) amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks by adding thereto Section 1593 to change the official sidewalk width of, a) Golden Gate Avenue starting at the southwest corner of the intersection of Golden Gate Avenue and Polk Street and continuing west 104 feet, b) Polk Street starting at the southwest corner of the intersection of Golden Gate Avenue and Polk Street and continuing south for 78 feet, and c) Redwood Alley starting at the northwest corner of the intersection of Polk Street and Redwood Alley and continuing west for 173 feet; 2) making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and 3) requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

**FINALLY PASSED**

**120276 [Local Support for Cesar Chavez Streetscape Project]**
Resolution re-directing a $3,367,985 Congestion Management Agency Block Grant from the Second Street Streetscape Project to the Cesar Chavez Streetscape Project; affirming local support of the project; reiterating commitment of the necessary non-federal match of $436,358; and stating assurance to complete the project. (Public Works Department)

ADOPTED

## Recommendations of the Public Safety Committee

**120224 [Accept and Expend Grant - FY2011 Federal Emergency Management Agency Port Security Grant Program - $1,016,000]**
**Sponsor: Chiu**
Resolution authorizing the San Francisco Police Department to retroactively accept and expend $1,016,000 of FY2011 Port Security Grant Program funds from the Federal Emergency Management Agency.

ADOPTED

**120323 [Accept and Expend Grant - FY2010 Buffer Zone Protection Program Grant - $585,000]**
**Sponsor: Chiu**
Resolution authorizing the Department of Emergency Management to retroactively accept and expend a FY2010 Buffer Zone Protection Program grant in the amount of $585,000 from the U.S. Department of Homeland Security through the California Emergency Management Agency to fund critical infrastructure protection needs.

ADOPTED

## Recommendations of the Rules Committee

**120344 [Appointment, Immigrant Rights Commission - Celine Kennelly]**
**Sponsor: Elsbernd**
Motion appointing Celine Kennelly, term ending June 6, 2013, to the Immigrant Rights Commission. (Clerk of the Board)

*Supervisor Elsbernd requested to be added as sponsor.*

Motion No. M12-054

APPROVED

**120345 [Appointment, Bicycle Advisory Committee - Timothy Doherty]**
Motion appointing Timothy Doherty, term ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)

Motion No. M12-055

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**120283 [De-Appropriating $6,672,963 in Salaries and Fringe Benefits and Re-Appropriating to Overtime in the Fire Department for FY2011-2012]**

**Sponsor: Mayor**

Ordinance de-appropriating $6,672,963 consisting of $5,000,000 in salaries and $1,672,963 in fringe benefits in the Fire Department's operating budget and re-appropriating $6,672,963 to overtime in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requires a two-thirds vote of all members of the Board of Supervisors for approval.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120285 [De-Appropriating $320,000 in Salaries and Re-Appropriating to Overtime in the Public Utilities Commission for FY2011-2012]**

**Sponsor: Mayor**

Ordinance de-appropriating $320,000 consisting of $250,000 in salaries in the Public Utilities Commission Clean Water Department operating budget and re-appropriating $250,000 to overtime, and de-appropriating $70,000 in salaries in the Public Utilities Commission Hetch Hetchy Power Department and re-appropriating $70,000 to overtime, in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requires a two-thirds vote of all members of the Board of Supervisors for approval.
(Fiscal Impact)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**120275 [Administrative Code - Department of Building Inspection Cash Revolving Fund]**

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from $2,000 to $4,500. (Building Inspection Commission)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120320 [Appropriating $2,694,000 for Nurses Salaries in FY2011-2012]

**Sponsor: Mayor**

Ordinance appropriating $2,694,000 for Nurses Salaries to the Department of Public Health in FY2011-2012.
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120354 [Wastewater Enterprise Commercial Paper Program - Not to Exceed $300,000,000]

**Sponsor: Chu**

Ordinance authorizing an increase of the Wastewater Enterprise's Commercial Paper Program to an amount not to exceed $300,000,000 to be issued from time to time by the San Francisco Public Utilities Commission to finance various capital projects benefitting the Wastewater Enterprise each pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120355 [2012 Water Revenue Bonds Issuance - Not to Exceed $667,000,000]

**Sponsor: Chu**

Resolution approving the issuance of water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco not to exceed $650,000,000 to finance various projects under the Water System Improvement Program pursuant to amendments to the Charter of the City and County of San Francisco enacted by voters on November 5, 2002, as Proposition E; the issuance of water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco not to exceed $17,000,000 to finance the reimbursement of certain legal settlement costs related to various projects under the Capital Improvement Program pursuant to Proposition A of 2002 enacted by voters on November 5, 2002; the issuance of water revenue refunding bonds to be issued by the Public Utilities Commission of the City and County of San Francisco pursuant to the Charter of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120379 [Appropriating $58,700,580 Consisting of $45,000,000 of Certificate of Participation Proceeds, $4,539,337 of Fund Balance and Re-Appropriating $9,161,243 to the Port Commission in FY2011-2012]

**Sponsors: Mayor; Chiu and Chu**

Ordinance appropriating $58,700,580 consisting of $45,000,000 of Certificate of Participation 2012 Series A and B proceeds, $4,539,337 of fund balance and re-appropriating $9,161,243 from 2010 Revenue Bond funded projects to the Port Commission in FY2011-2012 for the development of the Cruise Terminal Project at Pier 27 and infrastructure and mitigation requirements related to the 34th America's Cup event and the Cruise Terminal Project; and placing $45,000,000 on Controller's Reserve pending sale of the Certificates of Participation.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120380 [Certificates of Participation for Various Port Projects - Not to Exceed $45,000,000]

**Sponsors: Mayor; Chiu and Chu**

Resolution authorizing the execution and delivery of certificates of participation evidencing an aggregate principal amount of not to exceed $45,000,000 to finance the design, acquisition, construction, reconstruction, expansion, improvement, equipping, renewal, restoration and/or replacement of certain capital improvements to properties of the Port Commission of the City and County of San Francisco; authorizing the selection of a trustee by the Director of Public Finance and approving the form of a trust agreement for the certificates of participation between the City and County of San Francisco and such trustee (including certain indemnities contained therein); approving the forms of a property lease and a project lease between the City and the trustee relating to all or a portion of the real property and improvements located at 375 Laguna Honda Boulevard and all or a portion of the James R. Herman Cruise Terminal at Pier 27; approving a form of memorandum of understanding with the Port Commission of the City and County of San Francisco relating to repayment of the Certificates and other matters; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; authorizing the selection of underwriters by the Director of Public Finance and approving the form of a purchase contract between the City and the underwriters relating to the certificates of participation, if sold by negotiated sale; approving the forms of a preliminary and final official statement with respect to the certificates of participation; approving the form of a continuing disclosure certificate; approving the issuance and sale of tax-exempt certificates of participation in an aggregate principal amount not to exceed $45,000,000 following a public hearing; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the certificates of participation; approving modifications to documents and agreements; and ratifying previous actions taken in connection therewith.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the City Operations and Neighborhood Services Committee

### 120322 [Public Works Code - Waiver of Temporary Street Space Occupancy Fee - Small Business Week Sidewalk Sales]

**Sponsor: Olague**

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy within certain designated streets in the City and County of San Francisco on Sunday, May 13, 2012, and Saturday May 19, 2012, as part of Small Business Week Sidewalk Sales.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Land Use and Economic Development Committee

### 120256 [Public Infrastructure Improvements - Mission Bay South-Sanitary Sewer Pump Station]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Sanitary Sewer Pump Station, including acquisition facilities located on and under portions of State Trust Parcel 2; 2) accepting said facilities for City maintenance and liability purposes; 3) adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; 4) accepting a Department of Public Works Order; and 5) authorizing official acts in connection with this Ordinance. (Public Works Department)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120257 [Public Infrastructure Improvements - Mission Bay South-66" Sewer Force Main Relocation]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay 66" Sewer Force Main Relocation, including acquisition facilities located under portions of State Trust Parcel 8 and future Owens Street between Sixteenth Street and Mariposa Street; 2) accepting said facilities for City maintenance and liability purposes; 3) adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; 4) accepting a Department of Public Works Order; and 5) authorizing official acts in connection with this Ordinance. (Public Works Department)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Public Safety Committee

### 111077 [Police Code - Security Plans for Commercial Parking Garages and Lots]

**Sponsors: Chiu; Wiener**

Ordinance amending the San Francisco Police Code Sections 1215 through 1215.4 and adding Section 1215.7 to: 1) require a security plan as part of an application for a commercial parking permit; 2) set requirements for security plans; 3) authorize the Chief of Police to suspend or revoke a commercial parking permit for violation of an approved security plan; 4) authorize the Chief of Police to promulgate rules that set requirements for security plans; and 5) authorize enforcement by the City Attorney in a civil action; and making environmental findings.

*Supervisor Avalos moved to divide the question relating to conviction history located on Page 6, Lines 15-22. The question PASSED as divided by the following vote:*
*Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener*
*Noes: 5 - Avalos, Campos, Kim, Mar, Olague*

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120351 [Administrative Code - Police Department Participation in Federal Counterterrorism Activities]

**Sponsors: Kim; Avalos, Campos, Chiu, Olague, Mar, Wiener and Cohen**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.74 to: 1) set City policy regarding Police Department participation in federal counterterrorism activities; 2) require a public discussion at the Police Commission before the execution of any Memorandum of Understanding with the Federal Bureau of Investigation regarding the Joint Terrorism Task Force; and 3) set an annual reporting requirement.

**Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 1, Line 18, by adding '(a) This Ordinance shall be known as the "Safe San Francisco Civil Rights Ordinance."; and changing sections numbers to reflect the addition of '(a)' throughout the remainder of the Ordinance. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Rules Committee

### 120341 [Reappointment, Municipal Transportation Agency Board of Director - Malcolm Heinicke]

**Sponsor: Mayor**

Motion confirming the Mayor's reappointment of Malcolm Heinicke, term ending March 1, 2016, to the Municipal Transportation Agency Board of Directors.

**Motion No.** M12-056

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120346 [Reappointment, Police Commission - Thomas Mazzucco]

**Sponsor: Mayor**

Motion confirming the Mayor's reappointment of Thomas Mazzucco, term ending April 30, 2016, to the Police Commission.

**Motion No.** M12-057

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120350 [Appointment, Health Commission - Cecilia Chung]

Motion approving the Mayor's appointment of Cecilia Chung, term ending January 15, 2016, to the Health Commission. (Clerk of the Board)

**Motion No.** M12-058

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## From the Rules Committee Without Recommendation

**120347 [Appointment, Police Commission - Suzy Loftus]**
**Sponsor: Mayor**
Motion confirming the Mayor's appointment of Suzy Loftus, term ending April 30, 2016, to the Police Commission.

**Motion No.** M12-059

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:00 P.M.

*Supervisor Campos, seconded by Supervisor Farrell, moved to consolidate the following four hearings (File Nos. 120332, 120334, 120336, and 120338) related to the proposed acquisition of various properties for the Central Subway/Third Street Light Rail Extension Project into one single hearing. The motion passed by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

## Board of Supervisors Sitting as a Committee of the Whole

**120332 [Public Hearing - Acquisition of a Temporary Construction License By Eminent Domain for Central Subway/Third Street Light Rail Extension - 55 Stockton Street]**
Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 55 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0327, Lot Nos. 001, 002, 003, and 020, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of various properties as referenced in File Nos. 120332, 120333, 120334, 120335, 120336,120337, 120338, and 120339. John Funghi (Municipal Transportation Agency) provided an overview of the project, proposed acquisitions, and responded to questions raised throughout the discussion. There were no speakers in support of the project or the proposed acquisitions. Steve Atkinson (55 Stockton Street) spoke in support of the project. President Chiu indicated receipt of written correspondence in support of the project (77 O'Farrell). There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

**120333 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 55 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 55 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0327, Lot Nos. 001, 002, 003, and 020, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

*ADOPTED by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mar, Olague, Wiener*
*Absent: 1 - Farrell*

*Supervisor Campos, seconded by Supervisor Wiener, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**120334 [Public Hearing - Acquisition of a Temporary Construction License By Eminent Domain for Central Subway/Third Street Light Rail Extension - 233 Geary Street]**

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 233 Geary Street, San Francisco, California, Assessor's Parcel Block No. 0314, Lot No. 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of various properties as referenced in File Nos. 120332, 120333, 120334, 120335, 120336,120337, 120338, and 120339. John Funghi (Municipal Transportation Agency) provided an overview of the project, proposed acquisitions, and responded to questions raised throughout the discussion. There were no speakers in support of the project or the proposed acquisitions. Steve Atkinson (55 Stockton Street) spoke in support of the project. President Chiu indicated receipt of written correspondence in support of the project (77 O'Farrell). There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

**120335 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 233 Geary Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 233 Geary Street, San Francisco, California, Assessor's Parcel Block No. 0314, Lot No. 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

*ADOPTED by the following vote:*

*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mar, Olague, Wiener*
*Absent: 1 - Farrell*

*Supervisor Campos, seconded by Supervisor Wiener, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**120336 [Public Hearing - Acquisition of a Temporary Construction License By Eminent Domain for Central Subway/Third Street Light Rail Extension - 77 O'Farrell Street]**

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of various properties as referenced in File Nos. 120332, 120333, 120334, 120335, 120336,120337, 120338, and 120339. John Funghi (Municipal Transportation Agency) provided an overview of the project, proposed acquisitions, and responded to questions raised throughout the discussion. There were no speakers in support of the project or the proposed acquisitions. Steve Atkinson (55 Stockton Street) spoke in support of the project. President Chiu indicated receipt of written correspondence in support of the project (77 O'Farrell). There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

HEARD AND FILED

## Committee of the Whole Adjourn and Report

**120337 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 77 O'Farrell Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

*ADOPTED by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mar, Olague, Wiener*
*Absent: 1 - Farrell*

*Supervisor Campos, seconded by Supervisor Wiener, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**120338 [Public Hearing - Acquisition of a Temporary Construction License By Eminent Domain for Central Subway/Third Street Light Rail Extension - 150 Stockton Street]**

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 150 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0313, Lot No. 018, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of various properties as referenced in File Nos. 120332, 120333, 120334, 120335, 120336,120337, 120338, and 120339. John Funghi (Municipal Transportation Agency) provided an overview of the project, proposed acquisitions, and responded to questions raised throughout the discussion. There were no speakers in support of the project or the proposed acquisitions. Steve Atkinson (55 Stockton Street) spoke in support of the project. President Chiu indicated receipt of written correspondence in support of the project (77 O'Farrell). There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

**120339 [Acquisition of a Temporary Construction License By Eminent Domain - Central Subway/Third Street Light Rail Extension - 150 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 150 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0313, Lot No. 018, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

*ADOPTED by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mar, Olague, Wiener*
*Absent: 1 - Farrell*

*Supervisor Campos, seconded by Supervisor Wiener, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

### Privilege of the Floor

**Supervisor Campos, seconded by Supervisor Olague, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Donna Mandel of IFPTE Local 21 in recognition of her important work with the City and County of San Francisco.*

*Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Mei Ling Hui of IFPTE Local 21 in recognition of her important work with the City and County of San Francisco.*

*Supervisor Olague introduced, welcomed, and presented a Certificate of Honor to the Vapor Room for their model leadership in the Medical Cannabis Dispensary field and their active community engagement in the Lower Haight Neighborhood.*

*Supervisor Farrell introduced, welcomed, and presented Certificates of Honor to Gordon Sharafinski in recognition of his commitment to Schools of the Sacred Heart, accomplishments, and continued community support.*

*Supervisor Farrell introduced, welcomed, and presented a Certificate of Honor to Andrea Shurley in recognition of her commitment to Schools of the Sacred Heart, accomplishments, and continued community support.*

*Supervisor Farrell introduced, welcomed, and presented a Certificate of Honor to Sister Anne Wachter in recognition of her commitment to Schools of the Sacred Heart, accomplishments, and continued community support.*

## SPECIAL ORDER 4:00 P.M.

### 120262 [Appeal of Determination of Exemption from Environmental Review - 1100 Lombard Street]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated February 3, 2012, that a project located at 1100 Lombard Street (Building Permit Application No. 2012.02.03.3472) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposal would create a new firewall on the 1100 Lombard Street property (Assessor's Block No. 0069, Lot No. 081). (District 2) (Appellant: Christa Shaw on behalf of the John Sperling 1994 Irrevocable Trust, owner of 2323 Hyde Street) (Filed March 20, 2012).

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.*

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to May 22, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*The President CONTINUED the Hearing open to May 22, 2011.*

### 120263 [Affirming the Exemption Determination - 1100 Lombard Street]

Motion affirming the determination by the Planning Department that the project located at 1100 Lombard Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 22, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120264 [Reversing the Exemption Determination - 1100 Lombard Street]

Motion reversing the determination by the Planning Department that the project located at 1100 Lombard Street is exempt from environmental review.

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 22, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120265 [Preparation of Findings Related to the Exemption Determination - 1100 Lombard Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 1100 Lombard Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 22, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 4:00 P.M.

### 120266 [Public Hearing - Appeal of a Final Environmental Impact Report - 8 Washington Street/Seawall Lot 351 Project]

Hearing of persons interested in or objecting to the Planning Commission's decision, dated March 22, 2012, Certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0030E, through its Motion No. 18560, for the proposed mixed-use, residential, commercial, fitness center, and public open space project at 8 Washington Street/Seawall Lot 351. (District 3) (Appellant: Zane O. Gresham on behalf of Equity Office Properties, Filed March 26, 2012; Sue Hestor on behalf of Friends of Golden Gateway, Filed April 4, 2012).

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.*

**Supervisor Kim, seconded by Supervisor Chu, moved that this Hearing be CONTINUED to May 15, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*The President CONTINUED the Hearing open to May 15, 2011.*

### 120267 [Affirming Certification of Final Environmental Impact Report - 8 Washington Street/Seawall Lot 351 Project]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 8 Washington Street/Seawall Lot 351 Project. (Clerk of the Board)

**Supervisor Kim, seconded by Supervisor Chu, moved that this Motion be CONTINUED to May 15, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120268 [Reversing Certification of Final Environmental Impact Report - 8 Washington Street/Seawall Lot 351 Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 8 Washington Street/Seawall Lot 351 Project.

**Supervisor Kim, seconded by Supervisor Chu, moved that this Motion be CONTINUED to May 15, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120269 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 8 Washington Street/Seawall Lot 351 Project]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 8 Washington Street/Seawall Lot 351 Project. (Clerk of the Board)

**Supervisor Kim, seconded by Supervisor Chu, moved that this Motion be CONTINUED to May 15, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

*Supervisor Cohen was noted absent at 2:52 p.m. and noted present at 3:06 p.m.*
*Supervisor Farrell was noted absent at 2:59 p.m. and noted present at 3:20 p.m.*
*Supervisor Olague was noted absent at 3:20 p.m. and noted present at 3:29 p.m.*

## PUBLIC COMMENT

*Male Speaker; expressed various religious concerns.*
*Michael Yaki; expressed support for Central Subway Project funding.*
*Peter Hartman; expressed support for Central Subway Project funding.*
*Alton Chinn; expressed support for Central Subway Project funding.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Douglas Yep; expressed various concerns.*
*Linda Lee; expressed support for Central Subway Project funding.*
*Patrick Collins; expressed support for Central Subway Project funding.*
*Dave Terheyden; expressed support for Central Subway Project funding.*
*Pat Karinen; expressed support for Central Subway Project funding.*
*Dick Millet; expressed support for Central Subway Project funding.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Stephen Taber; expressed support for Central Subway Project funding.*
*Male Speaker; expressed concerns relating to parking meters operating on Sunday.*
*Karin Flood; expressed support for Central Subway Project funding.*
*Charley Lavery; expressed support for Central Subway Project funding.*
*David De La Torre; expressed support for Central Subway Project funding.*
*Javier Flores; expressed support for Central Subway Project funding.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120412 [Multifamily Housing Revenue Bonds - 833-881 Jamestown - Candlestick Heights - Not to Exceed $80,400,000]

**Sponsor: Cohen**

Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $80,400,000 for Candlestick Heights - 833-881 Jamestown; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $80,400,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

**ADOPTED**

### 120414 [Accept and Expend Grant - San Francisco Healthy Homes Project - $30,000]

**Sponsor: Cohen**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $30,000 from the San Francisco Foundation to support the San Francisco Healthy Homes Project by developing policies and services to improve indoor air quality and reduce toxic pesticides in public housing.

**ADOPTED**

### 120415 [Multifamily Housing Revenue Bonds - Tenderloin Family Housing - Not to Exceed $22,000,000]

**Sponsor: Kim**

Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $22,000,000 for Tenderloin Family Housing; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $22,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

**ADOPTED**

### 120402 [Final Map 6865: 207 - 209-9th-Street]

Motion approving Final Map 6865, a Three Unit Residential, Three Unit Commercial Mixed-Use Condominium Project, located at 207 - 209 9th Street; being a subdivision in Assessor's Block No. 3729, Lot No. 081; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M12-060

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Wiener requested that File No. 120417 be severed so that it may be considered separately.*

### 120417 [Supporting Assurance Funding for the Central Subway Project]

**Sponsors: Wiener; Chiu, Avalos, Mar, Campos, Olague, Cohen, Kim, Chu and Farrell**

Resolution supporting SFMTA's commitment to issue revenue bonds as assurance funding for the Central Subway Project in the event of any delay or other shortfall in the availability of funding.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were none.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED RESOLUTION

**120316 [Street Artist Spaces - Post Street, Northwest Corner, at Stockton Street]**
Resolution approving re-designation for six months two temporary selling spaces on Post Street, northwest corner, at Stockton Street for street artists certified by Arts Commission, City and County of San Francisco. (Arts Commission)

04/16/12; RECEIVED FROM DEPARTMENT.

05/01/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:07 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAY 10 2012

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**Tuesday, May 8, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:04 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Campos, seconded by Supervisor Elsbernd, moved to approve the Special Board Meeting Minutes at the Land Use and Economic Development Committee Meeting (File Nos. 120209, 111353, and 120286) of April 2, 2012, and the Board Meeting Minutes of April 3, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*There were none.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

**120424 [Formal Policy Discussions - May 8, 2012]**

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District 1, 3, 5, and 9. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. At our recent budget town hall with District 1, and 5 residents, a young man eloquently expressed his community's frustration at the lack of resources allocated to providing quality education and training to our youth to help them enter our growing technology sector. He noted that most of these jobs are going to people from outside the City who have had the benefit of tech training programs. I am working with small businesses, SF Made and others, on ways to bring more manufacturing related businesses into District 1; my hope is that these businesses will bring with them not just manufacturing but also design and other technology based jobs. It would be ideal if we could create technology education programs for our local middle and high schools that would be used as a feeder for emerging technology related jobs both in my District and Citywide. Can you commit to working with my office to develop funding sources and the mechanisms for such an endeavor? (Supervisor Mar, District 1)

2. In the wake of a decade of budget deficits, when city government needs to doing more with less, there are significant duplicative functions between departments with overlapping jurisdictions. At a time when small businesses need help, they are overwhelmed with the regulations of 14 city departments; San Francisco has one of the highest number of pedestrian accidents in California, but 12 city department's responsibility for pedestrian safety; our many residents interested in urban agriculture have to navigate 7 different departments; over half of our working families don't have access to child care, yet 3 agencies compete to set child care policy; our city contracts are managed by myriad agencies, and our City's IT system still includes multiple email platforms and several dozen data centers. What will your Administration do to consolidate duplicative functions and make the delivery of City services more efficient? (Supervisor Chiu, District 3)

3. The San Francisco Housing Authority is one of the largest providers of housing in San Francisco and serves over 20,000 people. With roughly 20% of the City's public housing stock in District 5, the policy, budgetary, and operational decisions made by the Housing Authority Board of Commissioners and staff significantly impact residents of my district. Similar to the Redevelopment Agency or the School District, the Authority is a quasi City department that provides critical public services to thousands of San Franciscans. Given its large footprint in the City, and in the interest of promoting transparency, accountability, and integrity of local government, how can we work together to invite the Authority more closely into the City family by locating its Commission hearings in City Hall and broadcasting them for greater public access? (Supervisor Olague, District 5)

4. The Mission neighborhood serves as one of San Francisco's rich artistic and cultural centers, highlighting the unique contributions of Latinos, women and local communities. However, some of our local arts organizations are struggling financially given ongoing cuts to arts funding. As we work to preserve and strengthen these important cultural institutions, can we count on your support and engagement? (Supervisor Campos, District 9)

*Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.*

**HEARD AND FILED**

## CONSENT AGENDA

### Recommendations of the Budget and Finance Sub-Committee

**120275 [Administrative Code - Department of Building Inspection Cash Revolving Fund]**

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from $2,000 to $4,500. (Building Inspection Commission)

**FINALLY PASSED**

**120320 [Appropriating $2,694,000 for Nurses Salaries in FY2011-2012]**

**Sponsor: Mayor**

Ordinance appropriating $2,694,000 for Nurses Salaries to the Department of Public Health in FY2011-2012.
(Fiscal Impact)

**FINALLY PASSED**

**120354 [Wastewater Enterprise Commercial Paper Program - Not to Exceed $300,000,000]**

**Sponsor: Chu**

Ordinance authorizing an increase of the Wastewater Enterprise's Commercial Paper Program to an amount not to exceed $300,000,000 to be issued from time to time by the San Francisco Public Utilities Commission to finance various capital projects benefitting the Wastewater Enterprise each pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

**FINALLY PASSED**

**120379 [Appropriating $58,700,580 Consisting of $45,000,000 of Certificate of Participation Proceeds, $4,539,337 of Fund Balance and Re-Appropriating $9,161,243 to the Port Commission in FY2011-2012]**

**Sponsors: Mayor; Chiu and Chu**

Ordinance appropriating $58,700,580 consisting of $45,000,000 of Certificate of Participation 2012 Series A and B proceeds, $4,539,337 of fund balance and re-appropriating $9,161,243 from 2010 Revenue Bond funded projects to the Port Commission in FY2011-2012 for the development of the Cruise Terminal Project at Pier 27 and infrastructure and mitigation requirements related to the 34th America's Cup event and the Cruise Terminal Project; and placing $45,000,000 on Controller's Reserve pending sale of the Certificates of Participation.

**FINALLY PASSED**

## Recommendation of the City Operations and Neighborhood Services Committee

### 120322 [Public Works Code - Waiver of Temporary Street Space Occupancy Fee - Small Business Week Sidewalk Sales]

**Sponsor: Olague**

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy within certain designated streets in the City and County of San Francisco on Sunday, May 13, 2012, and Saturday May 19, 2012, as part of Small Business Week Sidewalk Sales.

**FINALLY PASSED**

## Recommendations of the Land Use and Economic Development Committee

### 120256 [Public Infrastructure Improvements - Mission Bay South-Sanitary Sewer Pump Station]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Sanitary Sewer Pump Station, including acquisition facilities located on and under portions of State Trust Parcel 2; 2) accepting said facilities for City maintenance and liability purposes; 3) adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; 4) accepting a Department of Public Works Order; and 5) authorizing official acts in connection with this Ordinance. (Public Works Department)

**FINALLY PASSED**

### 120257 [Public Infrastructure Improvements - Mission Bay South-66" Sewer Force Main Relocation]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay 66" Sewer Force Main Relocation, including acquisition facilities located under portions of State Trust Parcel 8 and future Owens Street between Sixteenth Street and Mariposa Street; 2) accepting said facilities for City maintenance and liability purposes; 3) adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; 4) accepting a Department of Public Works Order; and 5) authorizing official acts in connection with this Ordinance. (Public Works Department)

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Public Safety Committee

**111077 [Police Code - Security Plans for Commercial Parking Garages and Lots]**

**Sponsors: Chiu; Wiener**

Ordinance amending the San Francisco Police Code Sections 1215 through 1215.4 and adding Section 1215.7 to: 1) require a security plan as part of an application for a commercial parking permit; 2) set requirements for security plans; 3) authorize the Chief of Police to suspend or revoke a commercial parking permit for violation of an approved security plan; 4) authorize the Chief of Police to promulgate rules that set requirements for security plans; and 5) authorize enforcement by the City Attorney in a civil action; and making environmental findings.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120351 [Administrative Code - Police Department Participation in Federal Counterterrorism Activities]**

**Sponsors: Kim; Avalos, Campos, Chiu, Olague, Mar, Wiener and Cohen**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.74 to: 1) set City policy regarding Police Department participation in federal counterterrorism activities; 2) require a public discussion at the Police Commission before the execution of any Memorandum of Understanding with the Federal Bureau of Investigation regarding the Joint Terrorism Task Force; and 3) set an annual reporting requirement.

**Ordinance No.** 083-12

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**120274 [Park Code - Amending Golden Gate Park Concourse Underground Parking Facility and Other Certain Fees; and Changing Controller Reporting Requirements]**

Ordinance amending the San Francisco Park Code, Article 12, by: 1) amending Section 12.35 to increase certain parking rates and eliminate the Early Bird Rate at the Golden Gate Park Concourse Underground Parking Facility; 2) amending Section 12.20 to revise the Controller's reporting requirement regarding cost recovery; and 3) adding a new Section 12.49 to ratify prior fees and fee adjustments; and making environmental findings and findings of consistency with general plan. (Recreation and Park Department)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120279 [Lease of Real Property - Golden Bear Restaurant Company III, dba Mission Rock Resort - 817 Terry A. Francois Boulevard]**

Resolution approving Port Commission Lease No. L-15108 with Golden Bear Restaurant Company III, dba Mission Rock Resort, for restaurant building, deck, and land of approximately 7,924 square feet located at 817 Terry A. Francois Boulevard in the Central Waterfront with a 15 year term and one five year option. (Port)
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120280 [Lease of Real Property Renewal - BRCP 1390 Market, LLC]**

Resolution authorizing a lease amendment to extend the term of the City Attorney lease with BRCP 1390 Market, LLC, for premises at 1390 Market Street (Fox Plaza), consisting of approximately 69,402 square feet, by five years and granting to the City two additional five year extension options. (Real Estate Department)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120381 [Apply for, Accept, and Expend Grant - Housing Opportunities for Persons with AIDS Program - $12,180,724]**

**Sponsor: Mayor**

Resolution approving the FY2012-2013 Housing Opportunities for Persons with AIDS (HOPWA) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2012-2013 HOPWA Program entitlement from the U.S. Department of Housing and Urban Development in the amount of $9,731,577 and to expend Program Income and Reprogrammed Funds in the amount of $2,449,147.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120382 [Apply for, Accept, and Expend Grant - HOME Program - $3,985,888]

**Sponsor: Mayor**

Resolution approving the FY2012-2013 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2012-2013 HOME Program entitlement from the U.S. Department of Housing and Urban Development in the amount of $3,955,888, and to expend Program Income in the amount of $30,000.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120383 [Apply for, Accept, and Expend Grant - Emergency Shelter Grants Program - $2,151,775]

**Sponsor: Mayor**

Resolution approving the FY2012-2013 Emergency Shelter Grants Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2012-2013 Emergency Shelter Grants Program entitlement in the amount of $1,609,318 and accept and expend the second allocation of the City's FY2011-12 Emergency Shelter Grants Program entitlement in the amount of $507,457 from the U.S. Department of Housing and Urban Development and to expend Reprogrammed Funds in the amount of $35,000.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120384 [Apply for, Accept, and Expend Grant - Community Development Block Grant Program - $17,734,214]

**Sponsor: Mayor**

Resolution approving the FY2012-2013 Community Development Block Grant Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2012-2013 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development in the amount of $16,204,214 and to expend Program Income in the amount of $1,530,000.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120386 [Accept and Expend Grant - Zellerbach Family Foundation - $37,000]

**Sponsor: Mayor**

Resolution authorizing the Adult Probation Department to retroactively accept and expend a grant of consulting services from the Zellerbach Family Foundation through an award to Community Works West in the amount of $37,000 for developing a gender-responsive approach to serving women involved in San Francisco's criminal justice system.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120287 [Master Tournament Agreement Amendment - Harding Park Golf Course - PGA TOUR, Inc.]

**Sponsor: Elsbernd**

Resolution approving and authorizing the execution of a Third Amendment to the Master Tournament Agreement with PGA TOUR, Inc., for the use of Harding Park Golf Course for certain professional golf tournaments.
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120385 [Real Property Lease Amendment - Sixth Street Baldwin House, LLC - 72-6th Street]

**Sponsors: Mayor; Kim**

Resolution authorizing the lease amendment with Sixth Street Baldwin House, LLC, of approximately 1,932 rentable square feet of ground space located at 72-6th Street for the San Francisco Police Department.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Land Use and Economic Development Committee

### 111247 [Planning Code - Permitting Five Feet Ground Floor Height Increases in Designated Lots and Prohibiting Certain Lot Mergers Along Geary Boulevard, Balboa Street, and in the Inner and Outer Clement Neighborhood Commercial Districts]

**Sponsor: Mar**

Ordinance amending the San Francisco Planning Code by: 1) amending Section 263.20 to permit a 5 feet ground floor height increase a) in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard, from Masonic Avenue to 28th Avenue, except for designated parcels; b) on NC-2 designated parcels on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue; and c) in the Inner Clement Street and Outer Clement Street Neighborhood Commercial Districts (NCDs); 2) amending Section 121.7(b) to prohibit lot mergers resulting in lots with street frontages greater than 50 feet in the Inner and Outer Clement NCDs, and in NC-2 districts on Balboa Street, between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 38th Avenue; and 3) making findings, including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120300 [Planning Code - Article 10 - Landmarks Preservation]

**Sponsors: Wiener; Olague**

Ordinance amending the San Francisco Planning Code, Article 10, entitled "Preservation of Historical Architectural and Aesthetic Landmarks," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).

**Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion FAILED by the following vote:**

Ayes: 3 - Avalos, Campos, Mar
Noes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener

**Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 31, Line 17, by adding 'unit to residents earning 120 percent area median income and below' after 'for-sale'; and adding 'to residents earning 100% area median income and below' after 'housing unit'. The motion carried by the following vote:**

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Olague
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

**Supervisor Wiener, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED on Page 11, Line 5, by deleting 'or' after 'Department', and adding ', or any member of the public' after 'owner(s)'; Page 11, Line 6, by adding 'the owner(s) of a proposed landmark site or' after 'submitted by'; Page 11, Line 7, by deleting 'for designation' after 'owners', and adding 'proposed' after 'of a'; Page 11, Lines 10-11, by replacing 'the' with 'a', and adding 'made by property owners as set forth above' after 'nomination'. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**Supervisor Mar, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 29, Lines 11-18, by deleting from 'Development of...' through to '...by that body', and adding 'The Historic Preservation Commission may develop district-by-district design guidelines that meet the Secretary's Standards to be adopted by the HPC, with comments by the Planning Commission.' after 'that body.' The motion FAILED by the following vote:**

Ayes: 3 - Avalos, Campos, Mar
Noes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener

**Supervisor Campos, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED on Page 14, Lines 15-16, by deleting 'in writing' and 'be it in the form of a vote or a survey'; and on Page 14, Lines 20-23, by deleting from 'The Department's...' through to '...proposed district.' The motion carried by the following vote:**

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Olague
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes. 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Noes: 3 - Avalos, Campos, Mar

### 120301 [Planning Code - Article 11 - Historic Preservation in the C-3 Districts]

**Sponsors: Wiener; Olague**

Ordinance amending the San Francisco Planning Code, Article 11, entitled "Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).
(Supervisor Mar dissented in committee.)

**Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion FAILED by the following vote:**

Ayes: 3 - Avalos, Campos, Mar
Noes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener

**Supervisor Wiener, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED on Page 17, Line 25, by adding 'residential' after 'half of all'; and on Page 18, Line 4, by adding 'residential' after 'owners' and the'. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**Supervisor Mar, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 33, Line 24-25, through Page 34, Lines 1-5, by deleting from 'Development of..." through to '...that body.'; and adding 'The Historic Preservation Commission may develop district-by-district design guidelines that meet the Secretary's Standards to be adopted by the HPC, with comments by the Planning Commission.' after 'that body.' The motion FAILED by the following vote:**

Ayes: 3 - Avalos, Campos, Mar
Noes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener

**Supervisor Campos, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED on Page 17, Lines 23-25, by deleting 'in writing' and 'be it in the form of a vote or a survey, with the goal of obtaining the participation of at least half of all property owners and half of all occupants in the area.'; and on Page 18, Lines 4-5, by deleting from 'The property owners'..." through to "...boundary change.' The motion carried by the following vote:**

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Olague
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Noes: 3 - Avalos, Campos, Mar

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

### Privilege of the Floor

**Supervisor Wiener, seconded by Supervisor Olague, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*ASIAN-PACIFIC AMERICAN HERITAGE MONTH*
*Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Asian-Pacific American Heritage Month, their accomplishments, and their continued community support as referenced below:*

*Supervisor Wiener recognized Jane Pak (Glenridge Cooperative Nursey School); and*
*Supervisor Olague recongized Members of the Japanese Cultural and Community Center of Northern California; and*
*Supervisor Mar recognized Luong Vuong, Members of the Asian Law Caucus, and Members of the Chinese Progessive Assocation; and*
*Supervisor Kim recognized Tow Kuk Wong (Community Tenants Association); and*
*Supervisor Farrell recognized Rodney Fong (Planning Commission); and*
*Supervisor Elsbernd recognized Caryl Ito (Pacific Asian American Women Bay Area Coalition); and*
*Supervisor Cohen recognized Eddy Zheng (Northwest Community Response Network and Community Youth Center of San Francisco); and*
*Supervisor Chu recognized Louis Louie (Self Help for the Elderly); and*
*Supervisor Chiu recognized Sarah Wan (Community Youth Center of San Francisco); and*
*Supervisor Campos recognized Rachel Ebora (Bernal Heights Neighborhood Center); and*
*Supervisor Avalos recognized Craig and Tina Wong (Parents and Advocates in District 11); and*
*Jason Elliott, representing on behalf of Mayor Lee, recognized Bob Hamaguchi (Japantown Task Force).*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

*Supervisor Farrell was noted absent at 5:48 p.m. and noted present at 5:59 p.m.*

## PUBLIC COMMENT

*James Chaffee; expressed concerns relating to the SF Public Library.*
*Ray Hartz; expressed concerns relating to government and Library Commission. (See additional information submitted on Page 16.)*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Tom Gilberty; expressed various concerns relating to noise pollution.*
*Male Speaker; expressed various concerns relating to the Police Department.*
*Male Speaker; expressed various concerns.*
*Male Speaker; expressed various concerns relating to the National Football League.*
*Edmond Juicye; expressed various concerns.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120443 [Accept and Expend Grant - SunShot Rooftop Solar Challenge - $71,750]

**Sponsor: Chu**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $71,750 from the U.S. Department of Energy's (U.S. DOE) Rooftop Solar Challenge through SolarTech, an initiative of the Silicon Valley Leadership Group, to document and disseminate best practices regarding the reduction of soft costs in order to make solar energy cost competitive with other forms of energy by the end of the decade.

**ADOPTED**

### 120444 [Approval of a 90-Day Extension for Planning Commission Review of Rezoning of 1111 Eighth Street (File No. 111278)]

**Sponsor: Cohen**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 111278) that would amend the Planning Code by amending Sectional Map SU08 of the Zoning Map of the City and County of San Francisco and adding Planning Code Section 249.66 to: 1) establish the Art and Design Educational Special Use District at 1111 Eighth Street to facilitate the continued operation of the California College of the Arts and provide a regulatory scheme for a potential future phased expansion of the campus; and 2) making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

**ADOPTED**

### 120445 [Accept and Expend Grant - Veterans Administration Specialty Care Access Networks Extension for Community Healthcare Outcomes Project - $16,447]

**Sponsor: Farrell**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $16,447 from the San Francisco Department of Veterans Affairs Medical Center, to participate in a program entitled Veterans Administration Specialty Care Access Networks Extension for Community Healthcare Outcomes Project for the period of March 1, 2012, through September 30, 2012.

**ADOPTED**

### 120448 [Accept and Expend Grant - San Francisco Hepatitis B Free Best Practices - $5,475]

**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $5,475 from the Public Health Foundation Enterprises, Inc., to participate in a program entitled San Francisco Hepatitis B Free Best Practices for the period of January 1, 2012, through December 31, 2012, and waiving indirect costs.

**ADOPTED**

### 120449 [Accept and Expend Grant - San Francisco Hepatitis B Free Best Practices - The San Francisco Foundation - $20,000]

**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $20,000 from The San Francisco Foundation to participate in a program entitled San Francisco Hepatitis B Free Best Practices The San Francisco Foundation for the period of April 1, 2012, through March 31, 2013, and waiving indirect costs.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Mar requested that File No. 120446 be severed so that it may be considered separately.*

### 120446 [Accept Gift - 15 Electric Vehicle Chargers Equipment - $69,000]

**Sponsor: Mar**

Resolution authorizing the Department of the Environment to accept and expend 15 electric vehicle chargers from Google, Inc. as a donation.

**Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Resolution authorizing the Department of the Environment to accept donation of 15 electric vehicle chargers from Google, Inc.

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were none.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

**120458 [General Plan - Van Ness Area Plan Amendments - California Pacific Medical Center: Cathedral Hill Campus]**

Ordinance amending the San Francisco General Plan Van Ness Area Plan in order to facilitate the development of a high density medical center at the transit nexus of Van Ness Avenue and Geary Boulevard and reflect various elements of this use; and adopting findings, including environmental findings, Planning Code Section 340 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

04/30/12; RECEIVED FROM DEPARTMENT.

05/08/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/7/2012.

**120459 [General Plan Map - California Pacific Medical Center: St. Luke's Campus]**

Ordinance amending the General Plan of the City and County of San Francisco by: 1) amending Map 4 of the Urban Design Element to increase the height limit for the California Pacific Medical Center's St. Luke's Campus (Block No. 6575/Lot Nos. 001, 002; Block No. 6576/Lot No. 021, and the portion of San Jose Avenue between Cesar Chavez Street and 27th Street) to 105 feet; and 2) amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 227' and 270', respectively, for the St. Luke's Replacement Hospital site and 204' and 228', respectively, for the medical office building site at the St. Luke's Campus; and adopting findings, including environmental findings, Section 340 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

04/30/12; RECEIVED FROM DEPARTMENT.

05/08/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/7/2012.

**120460 [General Plan Map - California Pacific Medical Center: Cathedral Hill Campus]**
Ordinance amending the General Plan of the City and County of San Francisco by: 1) amending Map 4 of the Urban Design Element to allow for development up to a height of 265 feet on the block bounded by Van Ness Avenue, Geary Boulevard, Franklin and Post Streets; 2) amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 385' and 466', respectively, for the Cathedral Hill Hospital site and 265' and 290', respectively, for the Cathedral Hill MOB site; 3) amending Map 1 of the Van Ness Area Plan, to designate the sites of the proposed Cathedral Hill Hospital and Medical Office Building as the Van Ness Medical Use Subdistrict; and 4) amending Map 2 of the Van Ness Area Plan to create a 265-V height/bulk district coterminous with the Hospital site; and adopting findings, including environmental findings, Planning Code Section 340 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

04/30/12; RECEIVED FROM DEPARTMENT.

05/08/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/7/2012.

## PROPOSED RESOLUTIONS

**120452 [International Terminal Equipment Maintenance and Operating Agreement - San Francisco Terminal Equipment Company, LLC]**
Resolution approving the International Terminal Equipment Maintenance and Operating Agreement between the San Francisco Terminal Equipment Company, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

04/27/12; RECEIVED FROM DEPARTMENT.

05/08/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**120453 [Agreement Amendment - Western States Oil - Not to Exceed $107,500,000]**
Resolution approving the Sixth Amendment to the agreement between the City and Western States Oil increasing the total not to exceed amount of the contract from $78,300,000 to $107,500,000 pursuant to Charter Section 9.118(b). (Office of Contract Administration)

04/27/12; RECEIVED FROM DEPARTMENT.

05/08/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**120454 [Lease of Real Property - 1455 Market Street]**
Resolution authorizing the lease of 24,440 square feet at 1455 Market Street for seven years plus option to extend for the San Francisco Department of the Environment's Office purposes. (Real Estate Department)

04/30/12; RECEIVED FROM DEPARTMENT.

05/08/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**120457 [Report of Assessment Costs for Blighted Properties]**

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund. (Public Works Department)

04/27/12; RECEIVED FROM DEPARTMENT.

05/08/12; ASSIGNED to Board of Supervisors.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:12 p.m.*

## Addendum

*The following information is provided by a speaker, pursuant to Administrative Code Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.*

*Ray Hartz submitted the following additional information durlng Public Comment as follows: I am looking forward to the May 17th, 2012 meeting of this Library Commission. In particular, the Bond Program Manager's Report, which has for a number of months provided figures showing the Friend's had provided $8.8 million of their $16 million pledge toward the Branch Library Improvement Program (BLIP). Based on an Immediate Disclosure Request from July 2011, the Library has finally provided documentation for $3.67 million of that amount and just this week a statement from the Library's Chief Financial Officer (CFO), Maureen Singleton, that the Library has no supporting documents for the remaining amount of $5.17 million! The fact that this figure has been reported a number of times by the Bond Manager, Lena Chen, raises the question of how that large amount is being represented to the Library Commission and the Public as "expended/encumbered" when the Library has nothing to support those representations? It should be interesting!*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

**Tuesday, May 15, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

GOVERNMENT
DOCUMENTS DEPT
MAY 23
SAN FRANCISCO
PUBLIC LIBRARY

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:08 p.m. On the call of the roll, Supervisors Kim, Mar and Olague were noted absent. There was a quorum.*

*At 2:09 p.m., Supervisor Olague was noted present.*
*At 2:10 p.m., Supervisors Kim and Mar were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Campos, seconded by Supervisor Chu, moved to approve the Special Board Meeting Minutes at the Land Use and Economic Development Committee Meeting (File No. 120126) of April 9, 2012, and the Board Meeting Minutes of April 10, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Sub-Committee

**120274 [Park Code - Amending Golden Gate Park Concourse Underground Parking Facility and Other Certain Fees; and Changing Controller Reporting Requirements]**

Ordinance amending the San Francisco Park Code, Article 12, by: 1) amending Section 12.35 to increase certain parking rates and eliminate the Early Bird Rate at the Golden Gate Park Concourse Underground Parking Facility; 2) amending Section 12.20 to revise the Controller's reporting requirement regarding cost recovery; and 3) adding a new Section 12.49 to ratify prior fees and fee adjustments; and making environmental findings and findings of consistency with general plan. (Recreation and Park Department)

**FINALLY PASSED**

## Recommendations of the Land Use and Economic Development Committee

**111247 [Planning Code - Permitting Five Feet Ground Floor Height Increases in Designated Lots and Prohibiting Certain Lot Mergers Along Geary Boulevard, Balboa Street, and in the Inner and Outer Clement Neighborhood Commercial Districts]**

**Sponsor: Mar**

Ordinance amending the San Francisco Planning Code by: 1) amending Section 263.20 to permit a 5 feet ground floor height increase a) in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard, from Masonic Avenue to 28th Avenue, except for designated parcels; b) on NC-2 designated parcels on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue; and c) in the Inner Clement Street and Outer Clement Street Neighborhood Commercial Districts (NCDs); 2) amending Section 121.7(b) to prohibit lot mergers resulting in lots with street frontages greater than 50 feet in the Inner and Outer Clement NCDs, and in NC-2 districts on Balboa Street, between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 38th Avenue; and 3) making findings, including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan.

**FINALLY PASSED**

**120316 [Street Artist Spaces - Post Street, Northwest Corner, at Stockton Street]**

Resolution approving re-designation for six months two temporary selling spaces on Post Street, northwest corner, at Stockton Street for street artists certified by Arts Commission, City and County of San Francisco. (Arts Commission)

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Land Use and Economic Development Committee

### 120300 [Planning Code - Article 10 - Landmarks Preservation]

**Sponsors: Wiener; Olague**

Ordinance amending the San Francisco Planning Code, Article 10, entitled "Preservation of Historical Architectural and Aesthetic Landmarks," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).

*FINALLY PASSED by the following vote:*

*Ayes: 9 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*
*Nos: 2 - Avalos, Campos*

*Supervisor Elsbernd, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**FINALLY PASSED by the following vote:**

Ayes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Noes: 3 - Avalos, Campos, Mar

### 120301 [Planning Code - Article 11 - Historic Preservation in the C-3 Districts]

**Sponsors: Wiener; Olague**

Ordinance amending the San Francisco Planning Code, Article 11, entitled "Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).
(Supervisor Mar dissented in committee.)

*FINALLY PASSED by the following vote:*

*Ayes: 9 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*
*Nos: 2 - Avalos, Campos*

*Supervisor Elsbernd, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**FINALLY PASSED by the following vote:**

Ayes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener
Noes: 3 - Avalos, Campos, Mar

## NEW BUSINESS

### Recommendations of the Land Use and Economic Development Committee

**120317 [Transportation Code - Fare Evasion and Clipper Card Regulations]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Transportation Code, Division I, Article 7 (Transit Violations) Sections 7.2.101 and 7.2.104 to eliminate restrictions on rear exit boarding of Municipal Railway transit vehicles in revenue service and clarify that failure to tag a Clipper card transponder or card reader is a violation of Section 7.2.104; and making environmental findings and technical corrections.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120413 [Agreement - Granting Easement - 1 Cashmere Street]**

**Sponsor: Cohen**

Resolution: 1) approving and authorizing an agreement to grant a nonexclusive perpetual easement in gross over and through the easement area within Assessor's Parcel No. 4720/006, a City parcel located at 1 Cashmere Street, San Francisco, California, for its improvement and maintenance; 2) adopting findings that the conveyance is in conformity with the City's General Plan Referral, as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code, and is consistent with the Eight Priority Policies of City Planning Code Section 101.1; 3) adopting that the Department of City Planning determined that the project was evaluated in the Hunters View Redevelopment Project Environmental Impact Report (Case No. 2007.0168E) and certified on June 12, 2008; and 4) authorizing the City's Acting Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

*SMALL BUSINESS WEEK*
*Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Small Business Week, their accomplishments, and their continued community support as referenced below:*

*Supervisor Mar recognized Taishan Cafe (Henry Liu);*
*Supervisor Farrell recognized the Marina Times;*
*Supervisor Chiu recognized Swan Oyster Depot;*
*Supervisor Chu recognized Polly Ann Ice Cream (Eric Wu);*
*Supervisor Olague recognized The Booksmith (Christin Evans);*
*Supervisor Olague recognized Shoe Biz (Mehran Esmaili);*
*Supervisor Kim recognized Turtle Tower Restaurant (Mr. Pham and Female Speaker);*
*Supervisor Elsbernd recognized Round Table Pizza (Portola) and Pop Sandwich (Jeff Spiegel);*
*Supervisor Wiener recognized Canyon Market (Janet Tarlov);*
*Supervisor Campos recognized El Rio;*
*Supervisor Cohen recognized Christopher's Books (Tim Minot);*
*Supervisor Avalos recognized Henry's Hunan Restaurant (Eddie Zhu);*
*Jason Ekkiott, representing on behale of Mayor Lee, and Supervisor Chu, recognized Sunsset Shapers (James Mitchell);*
*Luther Brian, Vice President, Small Business Commission;*
*Steve Adams, President, Small Business Commission.*

## SPECIAL ORDER 4:00 P.M.

**120266 [Public Hearing - Appeal of a Final Environmental Impact Report - 8 Washington Street/Seawall Lot 351 Project]**

Hearing of persons interested in or objecting to the Planning Commission's decision, dated March 22, 2012, Certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0030E, through its Motion No. 18560, for the proposed mixed-use, residential, commercial, fitness center, and public open space project at 8 Washington Street/Seawall Lot 351. (District 3) (Appellant: Zane O. Gresham on behalf of Equity Office Properties, Filed March 26, 2012; Sue Hestor on behalf of Friends of Golden Gateway, Filed April 4, 2012).

*The President inquired as to whether any member of the public wished to address the Board. Louise Renne; Brad Paol, FOGG; Zane Gresham, EOP (Appellants); provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Pam Baker, Former Director, Mayor's Office of Community Development; Lee Radner, FOGG; Gail Gilman; Bill Petrocelli, Book Passage; Greg Hinds, Hog Island; Ted Lin, Cowgirl Creamery; Glenn Hindecott; Tommi Avicolli- Mecca, Housing Rights Committee; Tony Robles, POOR Magazine and Senior Action Network; Ted Gullickson, San Francisco Tenants Union; Grace Martinez; Trainor Galavez; Debra Benedict, Senior Action Network and Senior Action Collaborative; Betty Traynor, Board, Senior Action Network; Jazzie Collins, Senior Action Network; Joel; Jessica Landy, Senior Action Network; Bob Iwersen, FOGG; Janet Lottenberger; Yvonne Shaw; Zondra Hernandez Vacelli; Karen Mack; Mary Baldwin; Rosia Ecrarie; Mia Well; Carrell McCarthy, FOGG; Deborah Smit, FOGG; Female Speaker; Allan Brotsky, Golden Gateway Tenant Association; Philip Lay, FOGG; Michael Lyons, San Francisco Gray Panthers; Kevin OBrian, FOGG; Earl Shipakudo; Mr. Shomaker; Kiri Chase; Ray Eem; Barry Herbertson; Iroko Rikay; Suzanne Ratcliff; Mary Wallace; Tricia Lieberman; Vlalah Sheena; Nan Roth; Chris Shafer; Al Basco; Michael Taylor; Charles Dunchan; Robert Harrer, Barbary Coast Neighborhood Association; Bill Bendovitch; Eric Nat, FOGG; Barbara Stewart; Dick Stewart, FOGG; Sue Hestor, Attorney for Appellants, FOGG; Mitchell Omerberg, Affordable Housing Alliance; Sandy Bernhard; Ernestine Weiss; Bill Hannon, Golden Gateway Tenants Association; Bobby Cohen, San Francisco Tenants Union; Vedica Puri, Past President, Telegraph Hill Dwellers; Tony Chinchillo. All spoke in support of the appeal. AnMarie Rodgers; Paul Maltzer; Kevin Guy (Planning Department); Christine, Deputy City Attorney; Elaine Warren, Deputy City Attorney; Jonathan Stern, Port; provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Jonathan Stern, Port; Mr. Stonegrove; Witt Hadley; Ms. Murphy; Mark Swanson, Architect (Project Sponsor); provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. David El Torre, Laborers; Male Speaker; Male Speaker; Male Speaker; Tony Rodriguez; Tim Poland, Housing Action Coalition; Mr. Stockfield; Tim Paulson, Executive Director, San Francisco Labor Council; Allen Martin, President, Martin Company; Male Speaker; Paul Olsen; Matthew Harrison; Female Speaker; Male Speaker; Male Speaker; Ann Halsted; Female Speaker; Male Speaker; Lisray Neery; Vince Courtney; Joe Wilson; John Casey; Tanika Moss, SPUR; Male Speaker; Female Speaker; Male Speaker; Marcie Albert; Ms. Marie; Rick Cardell, Board Member, Russian Hill Neighbors; Cara Brennan; Justin Almon, Waterfront for All; Sara Scott, Jackson Square Historic District Association; Amy Norquist, Owns Greensly; Katie Liddell; Steven Katz; Danny Campbell; Roger Wong; Paula Hewitson; Femal Speaker; Ellen John; Nanette Osher, President, Strict 1; Christian Toby; Male Speaker; Manny Flores, Carpenters Union; Cameron Deal; Jim Chapell, Urban Planner; spoke in support of the project and in opposition to the appeal. Zane Gresham; Louise Renne (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**120267 [Affirming Certification of Final Environmental Impact Report - 8 Washington Street/Seawall Lot 351 Project]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 8 Washington Street/Seawall Lot 351 Project. (Clerk of the Board)

*Supervisor Chiu, seconded by Supervisor Avalos, moved that this Motion be TABLED. The motion failed by the following vote:*

*Ayes: 3 - Avalos, Campos, Chiu*
*Nos: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Chu, seconded by Supervisor Cohen, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

**120268 [Reversing Certification of Final Environmental Impact Report - 8 Washington Street/Seawall Lot 351 Project]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 8 Washington Street/Seawall Lot 351 Project.

*Supervisor Chiu, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion failed by the following vote:*

*Ayes: 3 - Avalos, Campos, Chiu*
*Nos: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Chu, seconded by Supervisor Cohen, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

**120269 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 8 Washington Street/Seawall Lot 351 Project]**

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 8 Washington Street/Seawall Lot 351 Project. (Clerk of the Board)

*Supervisor Chiu, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion failed by the following vote:*

*Ayes: 3 - Avalos, Campos, Chiu*
*Nos: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**Supervisor Chu, seconded by Supervisor Cohen, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

## SPECIAL ORDER 4:00 P.M.

**120397 [Public Hearing - Conditional Use Appeal - 8 Washington Street/Seawall Lot 351]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's March 22, 2012, approval of a Conditional Use Authorization identified as Planning Case No. 2007.0030ECKMRZ, by its Motion No. 18567 for a Planned Unit Development, including specific modifications of Planning Code requirements regarding bulk limitations, rear yard, off-street loading, and off-street parking, and to allow development exceeding 50 feet in height within an RC District, to allow a non-accessory off-street parking garage, to allow commercial uses above the ground floor, and to allow non-residential uses exceeding 6,000 square feet pursuant to Planning Code Sections 209.7(d), 209.8(c), 209.8(f), 253, 303, and 304, with respect to a proposal to demolish an existing surface parking lot and health club, and to construct a new health club, residential buildings ranging from four to twelve stories in height containing 134 dwelling units, ground floor retail uses totaling approximately 20,000 square feet, and 382 off-street parking spaces within the RC-4 (Residential-Commercial, High Density) District, and the 84-E Height and Bulk District, and adopting findings under the California Environmental Quality Act, on property located at 8 Washington Street/Seawall Lot 351, Assessor's Block No. 0168/Lot No. 058, Block No. 0171/Lot No. 069, and Block No. 0201/Lot Nos. 012-013 (including Seawall Lot 351). (District 3) (Appellant: Sue Hestor on behalf of the Friends of Golden Gateway and subscribed by Supervisors Chiu, Campos, Avalos, Mar, and Kim) (Filed April 17, 2012).

*The President inquired as to whether any member of the public wished to address the Board. Louise Renne; Brad Paol, FOGG; Zane Gresham, EOP (Appellants); provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Pam Baker, Former Director, Mayor's Office of Community Development; Lee Radner, FOGG; Gail Gilman; Bill Petrocelli, Book Passage; Greg Hinds, Hog Island; Ted Lin, Cowgirl Creamery; Glenn Hindecott; Tommi Avicolli- Mecca, Housing Rights Committee; Tony Robles, POOR Magazine and Senior Action Network; Ted Gullickson, San Francisco Tenants Union; Grace Martinez; Trainor Galavez; Debra Benedict, Senior Action Network and Senior Action Collaborative; Betty Traynor, Board, Senior Action Network; Jazzie Collins, Senior Action Network; Joel; Jessica Landy, Senior Action Network; Bob Iwersen, FOGG; Janet Lottenberger; Yvonne Shaw; Zondra Hernandez Vacelli; Karen Mack; Mary Baldwin; Rosia Ecrarie; Mia Well; Carrell McCarthy, FOGG; Deborah Smit, FOGG; Female Speaker; Allan Brotsky, Golden Gateway Tenant Association; Philip Lay, FOGG; Michael Lyons, San Francisco Gray Panthers; Kevin OBrian, FOGG; Earl Shipakudo; Mr. Shomaker; Kiri Chase; Ray Eem; Barry Herbertson; Iroko Rikay; Suzanne Ratcliff; Mary Wallace; Tricia Lieberman; Vlalah Sheena; Nan Roth; Chris Shafer; Al Basco; Michael Taylor; Charles Dunchan; Robert Harrer, Barbary Coast Neighborhood Association; Bill Bendovitch; Eric Nat, FOGG; Barbara Stewart; Dick Stewart, FOGG; Sue Hestor, Attorney for Appellants, FOGG; Mitchell Omerberg, Affordable Housing Alliance; Sandy Bernhard; Ernestine Weiss; Bill Hannon, Golden Gateway Tenants Association; Bobby Cohen, San Francisco Tenants Union; Vedica Puri, Past President, Telegraph Hill Dwellers; Tony Chinchillo. All spoke in support of the appeal. AnMarie Rodgers; Paul Maltzer; Kevin Guy (Planning Department); Christine, Deputy City Attorney; Elaine Warren, Deputy City Attorney; Jonathan Stern, Port; provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Jonathan Stern, Port; Mr. Stonegrove; Witt Hadley; Ms. Murphy; Mark Swanson, Architect (Project Sponsor); provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. David El Torre, Laborers; Male Speaker; Male Speaker; Male Speaker; Tony Rodriguez; Tim Poland, Housing Action Coalition; Mr. Stockfield; Tim Paulson, Executive Director, San Francisco Labor Council; Allen Martin, President, Martin Company; Male Speaker; Paul Olsen; Matthew Harrison; Female Speaker; Male Speaker; Male Speaker; Ann Halsted; Female Speaker; Male Speaker; Lisray Neery; Vince Courtney; Joe Wilson; John Casey; Tanika Moss, SPUR; Male Speaker; Female Speaker; Male Speaker; Marcie Albert; Ms. Marie; Rick Cardell, Board Member, Russian Hill Neighbors; Cara Brennan; Justin Almon, Waterfront for All; Sara Scott, Jackson Square Historic District Association; Amy Norquist, Owns Greensly; Katie Liddell; Steven Katz; Danny Campbell; Roger Wong; Paula Hewitson; Femal Speaker; Ellen John; Nanette Osher, President, Strict 1; Christian Toby; Male Speaker; Manny Flores, Carpenters Union; Cameron Deal; Jim Chapell, Urban Planner; spoke in support of the project and in opposition to the appeal. Zane Gresham;*

*Louise Renne (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

HEARD AND FILED

### 120398 [Approving Planning Commission Decision Related to Conditional Use Authorization - 8 Washington Street/Seawall Lot 351]

Motion approving decision of the Planning Commission by its Motion No. 18567, approving Conditional Use Authorization identified as Planning Case No. 2007.0030ECKMRZ on property located at 8 Washington Street/Seawall Lot 351, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Chiu, seconded by Supervisor Campos, moved that this Motion be CONTINUED to June 12, 2012. The motion failed by the following vote:*
*Ayes: 4 - Avalos, Chiu, Cohen, Wiener*
*Nos: 7 - Campos, Chu, Elsbernd, Farrell, Kim, Mar, Olague*

**Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

### 120399 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 8 Washington Street/Seawall Lot 351]

Motion disapproving decision of the Planning Commission by its Motion No. 18567, approving Conditional Use Authorization identified as Planning Case No. 2007.0030ECKMRZ on property located at 8 Washington Street/Seawall Lot 351, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Chiu, seconded by Supervisor Campos, moved that this Motion be CONTINUED to June 12, 2012. The motion failed by the following vote:*
*Ayes: 4 - Avalos, Chiu, Cohen, Wiener*
*Nos: 7 - Campos, Chu, Elsbernd, Farrell, Kim, Mar, Olague*

**Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

### 120400 [Preparation of Findings Related to the Conditional Use Authorization - 8 Washington Street/Seawall Lot 351]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2007.0030ECKMRZ on property located at 8 Washington Street/Seawall Lot 351. (Clerk of the Board)

*Supervisor Chiu, seconded by Supervisor Campos, moved that this Motion be CONTINUED to June 12, 2012. The motion failed by the following vote:*
*Ayes: 4 - Avalos, Chiu, Cohen, Wiener*
*Nos: 7 - Campos, Chu, Elsbernd, Farrell, Kim, Mar, Olague*

**Supervisor Wiener, seconded by Supervisor Chiu, moved that this motion be TABLED. The motion carried by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

## COMMITTEE REPORTS

### 120192 [Administrative Code - Board Approval of Grants and Grant Increases Over $100,000]

**Sponsors: Wiener; Chu**

Ordinance amending the San Francisco Administrative Code Section 10.170-1 to set a threshold of $100,000 or more for Board of Supervisors approval of the acceptance and expenditure of grants or increases in grants.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120014 [Airport Lease - Alclear, LLC]

Resolution approving the Expedited Traveler Service Lease between Alclear, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission) (Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120015 [Airport Lease and Operating Agreement - Smarte Carte, Inc. - Not to Exceed $9,406,000]

Resolution approving the Luggage Cart Lease and Operating Agreement between Smarte Carte, Inc., and the City and County of San Francisco, acting by and through its Airport Commission in an amount not-to-exceed $9,406,000. (Airport Commission)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120281 [Lease of Real Property - 220 Golden Gate Clinic, LLC - 230 Golden Gate Avenue]

Resolution authorizing the lease of approximately 11,700 square feet at 230 Golden Gate Avenue with 220 Golden Gate Clinic, LLC, for the Department of Public Health for use as a health clinic. (Real Estate Department)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120387 [Wastewater Enterprise Agreement - Central Bayside System Improvements Project - Not to Exceed $30,000,000]

**Sponsor: Cohen**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to negotiate and execute Wastewater Enterprise Sewer System Improvement Program funded Agreement No. CS-169, Central Bayside Improvements to provide planning and engineering services for an amount not to exceed $30,000,000 with a duration of 108 months.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120438 [Accept and Expend Grant - California Volunteers - $125,000]**
**Sponsor: Mayor**
Resolution authorizing the Department of Emergency Management to retroactively accept and expend a grant in the amount of $125,000 from California Volunteers to recruit and train Disaster Corps volunteers.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed, expressed various concerns.*
*Ray Hartz, Jr.; expressed concerns relating to the SF Public Library.*
*Male Speaker; commented on the Alex Jones show.*
*Randall Evans; expressed various concerns.*
*Frandisco Da Costa; expressed concerns about seniors.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Jim Hing Gordon, Jr.; expressed various concerns.*
*Mark Gruberg; expressed concerns regarding taxi issues.*
*Emil Lawrence; expressed various concerns regarding taxi issues.*
*Male Speaker; expressed concerns regarding equestrian activities.*
*Margaret Libby, Executive Director, Mission San Francisco Community Center; expressed various concerns.*
*Ms. Ramos; expressed concerns regarding pay day lenders.*
*Carl Seto; expressed concerns regarding pay day lenders.*
*Male Speaker; expressed concerns regarding pay day lenders.*
*Jamal; opposing AB 1158.*
*Douglas Yep; expressed concerns regarding the 49ers leaving town.*
*Nadia Swaney; expressed concerns regarding the expulsion of Palestians from their homeland.*
*Jackie Osidie; expressed concerns regarding the expulsion of Palestians from their homeland.*
*Dr. Jess Hanan; expressed concerns regarding the expulsion of Palestians from their homeland.*
*Samuel; expressed concerns regarding the expulsion of Palestians from their homeland.*
*MIssy Misizemore; expressed concerns regarding the expulsion of Palestians from their homeland.*
*Zakaris Raba; expressed concerns regarding the expulsion of Palestians from their homeland.*
*C. O'Kerry; expressed concerns regarding the expulsion of Palestians from their homeland.*
*Miriam; expressed concerns regarding the expulsion of Palestians from their homeland.*
*Lilian Tommie; expressed concerns regarding the expulsion of Palestians from their homeland.*
*Male Speaker; expressed various concerns.*

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

## Items 24 through 28

**120480 [Urging the Planning Commission to Initiate and Consider Amendments to the General Plan Concerning the Chinese Hospital Special Use District and Replacement Project]**

**Sponsor: Chiu**

Resolution urging the Planning Commission to initiate and consider amendments to Policy 1.2 and Map 1 of the Chinatown Area Plan of the San Francisco General Plan as part of the Chinese Hospital Replacement Project (835 and 845 Jackson Street, Assessor's Block No. 0192, Lot No. 041).

**ADOPTED**

**120481 [Ron Isola Day - May 19, 2012]**

**Sponsors: Farrell; Elsbernd**

Resolution declaring May 19, 2012, Ron Isola Day in the City and County of San Francisco.

**ADOPTED**

**120482 [Public Works Week - May 20-26, 2012]**

**Sponsor: Kim**

Resolution commending the men and women of the Department of Public Works and proclaiming May 20-26, 2012, as Public Works Week in the City and County of San Francisco.

**ADOPTED**

**120483 [Urging the United States Congress to Designate May 22nd as "Harvey Milk Day"]**

**Sponsors: Olague; Campos and Wiener**

Resolution urging the United States Congress to designate May 22nd as “Harvey Milk Day”, and establishing it as a national holiday.

**ADOPTED**

**120455 [Committee of the Whole - Hearing on the Report of Assessment Costs for Blighted Properties]**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on May 22, 2012, at 3:00 p.m., to hold a public hearing on a resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were none.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

**120467 [Water Revenue Bond Issuance and Sale - Not to Exceed $163,400,000]**

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission in an aggregate principal amount not to exceed $163,400,000 to finance various capital water projects benefitting the Water Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

05/07/12; RECEIVED FROM DEPARTMENT.

05/15/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 6/14/2012.

**120468 [Power Revenue Bond Issuance and Sale - Not to Exceed $12,300,000]**

Ordinance approving the issuance and sale of power revenue bonds by the San Francisco Public Utilities Commission in an aggregate principal amount not to exceed $12,300,000 to finance various power capital projects benefitting the SFPUC Power Enterprise, pursuant to Section 9.107(8) of the City Charter; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

05/07/12; RECEIVED FROM DEPARTMENT.

05/15/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 6/14/2012.

**120469 [Wastewater Revenue Bond Issuance and Sale - Not to Exceed $522,810,000]**

Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission in an aggregate principal amount not to exceed $522,810,000 to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

05/07/12; RECEIVED FROM DEPARTMENT.

05/15/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 6/14/2012.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 12:30 a.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO
PUBLIC LIBRARY

## MEETING MINUTES - DRAFT

**Tuesday, May 22, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:04 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Chu, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of April 17, 2012, and the Special Meeting Minutes at the Budget and Finance Committee Meeting of April 18, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendation of the Budget and Finance Sub-Committee

**120192 [Administrative Code - Board Approval of Grants and Grant Increases Over $100,000]**

**Sponsors: Wiener; Chu**

Ordinance amending the San Francisco Administrative Code Section 10.170-1 to set a threshold of $100,000 or more for Board of Supervisors approval of the acceptance and expenditure of grants or increases in grants.

FINALLY PASSED

## Recommendations of the City Operations and Neighborhood Services Committee

**120180 [Liquor License - 350 California Street]**

Resolution determining that the issuance of a Type 21 off-sale general license to Farid Tawil for S.F. Gift and News, located at 350 California Street (District 3), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**ADOPTED**

**120195 [Changing the Street Name of Edinburg Street to Edinburgh Street]**

**Sponsor: Avalos**

Resolution authorizing a street name change of Edinburg Street to Edinburgh Street, to correct a spelling discrepancy and eliminate confusion in the delivery of public services.

**ADOPTED**

**120441 [Accept and Expend Grant - Electric Vehicle Infrastructure - $173,000]**

**Sponsor: Mar**

Resolution authorizing the San Francisco Department of the Environment to accept and expend a grant sub-award of $173,000 from the Association of Bay Area Governments to contribute to the cost of installing publicly available electric vehicle chargers.

**ADOPTED**

**120442 [Accept Gift - 22 Electric Vehicle Chargers Equipment - $114,000]**

**Sponsor: Mar**

Resolution authorizing the San Francisco Department of the Environment to accept 22 electric vehicle chargers and service through December 31, 2013, from Coulomb Technologies, Inc., as a sub-award under Grant DE-EE0003391 using American Reinvestment and Recovery Act Funds from the U.S. Department of Energy to Coulomb Technologies, Inc., for these purposes.

**ADOPTED**

## Recommendation of the Land Use and Economic Development Committee

**120317 [Transportation Code - Fare Evasion and Clipper Card Regulations]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Transportation Code, Division I, Article 7 (Transit Violations) Sections 7.2.101 and 7.2.104 to eliminate restrictions on rear exit boarding of Municipal Railway transit vehicles in revenue service and clarify that failure to tag a Clipper card transponder or card reader is a violation of Section 7.2.104; and making environmental findings and technical corrections.

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

# UNFINISHED BUSINESS

# NEW BUSINESS

## Recommendations of the Budget and Finance Sub-Committee

### 120406 [Administrative Code - Film Rebate Program Extension and Funding]

**Sponsor: Farrell**

Ordinance amending the San Francisco Administrative Code Section 57.8 to: 1) extend the Film Rebate Program for two additional years, through June 30, 2014; and 2) increase the total amount of available funds up to $2,000,000 for film rebates during that period.
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120433 [Accept and Expend Grant - Replacement of Refrigeration Equipment in Small Businesses - $403,000]

**Sponsor: Chu**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $403,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to study the impact that the replacement of old refrigeration equipment in San Francisco businesses would have on energy usage and peak power demand in the City, and amending Ordinance No. 146-11 Annual Salary Ordinance, FY2011-2012 and FY 2012-2013) to reflect the addition of one (1) Class 5640 Environmental Specialist grant funded position (.25 FTE) at the Department of the Environment.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Supervisor Avalos Excused from Voting

**Supervisor Mar, seconded by Supervisor Campos, moved that Supervisor Avalos be excused from voting on File No. 120069. The motion carried by the following vote:**

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Avalos

### 120069 [Lease of Real Property - T-Mobile West Corporation - 720 Moscow Street]

Resolution authorizing the lease by T-Mobile West Corporation of approximately 160 rentable square feet of ground space located at 720 Moscow Street for the San Francisco Fire Department. (Real Estate Department)
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Avalos

### 120408 [Contract Amendment - Addiction, Research, and Treatment, Inc., dba BAART - $26,043,065]

**Sponsor: Mayor**

Resolution approving an amendment to the contract with Addiction, Research, and Treatment, Inc., dba BAART, for methadone maintenance services to $26,043,065.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120409 [Contract Amendment - Apollo Health Street, Inc. - $3,675,000]

**Sponsor: Mayor**

Resolution approving an amendment to the contract with Apollo Health Street, Inc., for retroactive claiming of aged accounts services to $3,675,000 for an additional four years.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120410 [Contract Amendment - Asian American Recovery Services - $113,859,922]

**Sponsor: Mayor**

Resolution approving an amendment to the contract with Asian American Recovery Services for fiscal intermediary services to $113,859,922 for an additional four years.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120411 [Contract Amendment - Triage Consulting Group - $1,823,761]

**Sponsor: Mayor**

Resolution approving an amendment to the contract with Triage Consulting Group for retroactive claiming of aged accounts services to $1,823,761 for eight years.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120439 [Accept and Expend Grant - Boeddeker Park and Clubhouse Project - $4,000,000]

**Sponsors: Mayor; Kim**

Resolution authorizing the San Francisco Recreation and Parks Department to accept and expend a grant administered by the California State Parks and Recreation Department in the amount of $4,000,000 for the Boeddeker Park and Clubhouse Project.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120479 [Accept and Expend Grant - Transportation Development Act, Article 3 - $907,824]

**Sponsor: Mayor**

Resolution authorizing the acceptance and expenditure of state Transportation Development Act Article 3 funds for various pedestrian and bicycle projects in San Francisco in FY2012-2013, totaling $907,824 including $453,912 for the Department of Public Works and $453,912 for the San Francisco Municipal Transportation Agency.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the City Operations and Neighborhood Services Committee

### 120080 [Liquor License Transfer - 43-6th Street]

Resolution determining that the premise to premise transfer of a Type 48 on-sale general public premises liquor license from 181 Eddy Street to 43-6th Street (District 6) to Mark E. Rennie for Club OMG!, LLC, dba Club OMG!, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120447 [Urging the Secretary of the Navy to Christen a Ship as the "U.S.S. Harvey Milk"]

**Sponsor: Wiener**

Resolution urging the Secretary of the Navy to christen a ship as the "U.S.S. Harvey Milk."

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Wiener
Noes: 2 - Kim, Olague

## Recommendations of the Land Use and Economic Development Committee

### 110716 [Transportation Code - Tour Bus Parking and Loading]

**Sponsors: Chiu; Farrell**

Ordinance amending the San Francisco Transportation Code, Division I, Article 7 by: 1) amending Section 7.2.27 to remove the restriction on the use of white zones by commercial vehicles and clarify that this Section does not apply to Stands established under Division II of the Code and designated for the use of Tour Buses; 2) amending Section 7.2.38 to establish violations for vehicles other than authorized Tour Buses parking or stopping in restricted Tour Bus Stands and for Tour Buses that exceed posted time limits in such Stands; 3) amending Section 7.2.80 to exclude Tour Bus Stands from otherwise applicable parking restrictions imposed in specified use districts on vehicles required to register with the California Public Utilities Commission; and 4) making environmental findings.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120405 [Police Code - Regulating the Use of Amplified Sound on Unenclosed Tour Buses and Establishing Fee]

**Sponsor: Chiu**

Ordinance amending San Francisco Police Code Sections 46, 2901, 2916, and 2922, and adding Section 2913, to: 1) clarify that the definition of "Sound Truck" in Section 46 does not include unenclosed tour buses; 2) clarify that the noise restrictions imposed by Article 29 do not apply to the City and County of San Francisco; 3) prohibit the use of amplified sound systems on unenclosed tour buses unless such systems have been certified by the San Francisco Department of Public Health as not being audible from a distance of 50 or more feet from the vehicle or contain volume limiting electronics to meet that requirement; 4) adding a reporting requirement for the Department of Public Health; 5) adding fees for the Department of Public Health approval and issuance of a Certificate of Authorization to Operate Electronically Amplified Sound on Unenclosed Tour Bus; 6) authorize the Department of Public Health and the Police Department to enforce the requirements of Section 2913; 7) clarify that Article 29 should not be construed to conflict with Federal or State laws; and 8) adopt findings, including environmental findings.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120016 [Street Encroachment - Outdoor Child Play Area - Redwood Street]

Resolution: 1) granting revocable permission to the Public Utilities Commission to occupy a portion of the public right-of-way on Redwood Street, approximately 150 feet west of Polk Street to construct and maintain an outdoor play area accessible to a child care facility within the new building at 525 Golden Gate Avenue (Assessor's Block No. 0766, Lot No. 001); and 2) making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

### 120456 [Public Hearing - Report of Assessment Costs for Blighted Properties]

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board. Timothy Hines (Department of Public Works) provided an overview of the assessments. Walter Paulson; shared in song various concerns relating to the assessments. Male Speaker; Female Speaker; Male Speaker (790-22nd Avenue); Male Speaker; spoke objecting to the proposed assessments. Timothy Hines (Department of Public Works) responded to questions raised throughout the discussion and indicated that recent receipt of payment and/or resolution was provided to various properties as referenced in File No. 120457. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

*Supervisor Elsbernd was noted absent at 4:20 p.m. and noted present at 4:26 p.m.*

### 120457 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Public Works Department)

*Timothy Hines (Department of Public Works) indicated that the following addresses should be removed from the accompanying report due to recent receipt of payment and/or resolution: 709-22nd Avenue; 3246-22nd Street; 355 Bay Shore Boulevard; 4346 Bush Street; 2664 California Street; 250 Industrial Street; 1801 Larkin Street; 1758 Larkin Street; 4377 Mission Street; 438 O'Farrell Street; 2195 Quesada Avenue; 345 Sloat Boulevard; 1743 Union Street. The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 120457, were received without objection.*

**ADOPTED, after accepting the amendments to the accompanying report, by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Elsbernd

# SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

## Privilege of the Floor

**Supervisor Campos, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Jose Julio Sarria in recognition of his lifelong work as a civil rights activist, his accomplishments, and continued community support. Supervisors Wiener and Olague, and Former Supervisor Harry Britt shared in this commendation.*

*Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the Members of the Redistricting Task Force in recognition of their accomplishments and continued community support. Supervisors Chiu, Avalos, Mar, Olague, and Campos shared in this commendation.*

*Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Department of Public Works in recognition of National Public Works Week, their accomplishments, and continued community support.*

*Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Basil "Bill" Katoulous of the Chick-N-Coop Restaurant in recognition of 17 years of service to the community, his accomplishments, and continued community support.*

*Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Assimina Mavromatis of the Richmond District in recognition of her dedication of keeping the neighborhood and District 1 clean and continued community support.*

# SPECIAL ORDER 4:00 P.M.

### 120262 [Appeal of Determination of Exemption from Environmental Review - 1100 Lombard Street]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated February 3, 2012, that a project located at 1100 Lombard Street (Building Permit Application No. 2012.02.03.3472) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposal would create a new firewall on the 1100 Lombard Street property (Assessor's Block No. 0069, Lot No. 081). (District 2) (Appellant: Christa Shaw on behalf of the John Sperling 1994 Irrevocable Trust, owner of 2323 Hyde Street) (Filed March 20, 2012).

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Walter Paulson; Edmond Juicye, expressed various concerns. There were no other speakers.*

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to July 17, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Elsbernd

*President CONTINUED the Hearing open to July 17, 2012.*

### 120263 [Affirming the Exemption Determination - 1100 Lombard Street]

Motion affirming the determination by the Planning Department that the project located at 1100 Lombard Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 17, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Elsbernd

### 120264 [Reversing the Exemption Determination - 1100 Lombard Street]

Motion reversing the determination by the Planning Department that the project located at 1100 Lombard Street is exempt from environmental review.

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 17, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Elsbernd

### 120265 [Preparation of Findings Related to the Exemption Determination - 1100 Lombard Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 1100 Lombard Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 17, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Elsbernd

## COMMITTEE REPORTS

### Recommendations of the Rules Committee

### 120486 [Appointments, Sunshine Ordinance Task Force - Kitt Grant, David Pilpel, David Sims, Chris Hyland, and Louise Fischer]

Motion appointing Kitt Grant, David Pilpel, David Sims, Chris Hyland, and Louise Fischer, terms ending April 27, 2014, to the Sunshine Ordinance Task Force. (Clerk of the Board)

**Motion No.** M12-064

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Noes: 1 - Olague

**120553 [Appointment, Sunshine Ordinance Task Force - Todd David]**

Motion appointing Bruce Wolfe, term ending April 27, 2014, to the Sunshine Ordinance Task Force. (Clerk of the Board)

**Supervisor Wiener, seconded by Supervisor Farrell, moved that this Motion be AMENDED to replace 'Bruce Wolfe' with 'Todd David' for Seat No. 8. The motion carried by the following vote:**

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Olague

Motion appointing Todd David, term ending April 27, 2014, to the Sunshine Ordinance Task Force. (Clerk of the Board)

**Motion No.** M12-065

**APPROVED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Noes: 1 - Olague

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Paul Courier; expressed various concerns relating to the Housing Authority, SFGovTV, and*
*Ray William Joseph Hartz, Jr.; expressed various concerns relating to the City Attorney, SF Public Library, and open government.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Tom Gilberty; expressed various concerns.*
*Pastor Gavin; expressed various concerns relating to the Sunshine Ordinance Task Force and open government.*
*Male Speaker; expressed various concerns.*
*Douglas Yep; expressed various concerns.*
*Richard Knee; expressed various concerns relating to the Sunshine Ordinance Task Force.*
*Male Speaker; expresed various religious concerns.*
*Robin Cropp; expressed concerns relating to lyme disease.*
*Ace Washington; expressed various concerns relating to African-American migration.*

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

## 120534 [2012 Homeland Security Grants]

**Sponsor: Mayor**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining state and federal financial assistance under various grant programs, including: the FY2012 Urban Areas Security Initiative (UASI) grant, the FY2012 State Homeland Security Grant Program, the FY2012 Emergency Management Performance Grant, and the 2012 California Volunteers Grant Program.

**ADOPTED**

## 120535 [Approval of Tolling Agreement for America's Cup Litigation]

**Sponsor: Mayor**

Resolution approving a tolling agreement to toll the statute of limitations to file a lawsuit challenging the approval of the 34th America's Cup Project.

**Resolution No.** 186-12

**ADOPTED**

## 120536 [Opposing Assembly Bill 1158 - "Deferred Deposit Transactions" and Any Expansion of Payday Lending in California]

**Sponsors: Campos; Kim**

Resolution opposing Assembly Bill 1158, regarding deferred deposit transactions and any expansion of payday lending in California.

*Supervisor Kim requested to be added as a co-sponsor.*

**ADOPTED**

## 120537 [Golden Gate Bridge Anniversary Day - May 27, 2012]

**Sponsors: Farrell; Elsbernd, Chu, Mar and Campos**

Resolution celebrating the 75th anniversary of the Golden Gate Bridge and proclaiming May 27, 2012, to be "Golden Gate Bridge Day" in the City and County of San Francisco.

**ADOPTED**

## 120538 [Waiver Permitting City Employees to Assist the Department of Elections with the June 5, 2012, Consolidated Primary Election]

**Sponsor: Chiu**

Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the June 5, 2012, Consolidated Primary Election.

**Motion No.** M12-066

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED RESOLUTIONS

### 120539 [Official Advertising, FY2012-2013]

Resolution designating the Examiner to be the official newspaper of the City and County of San Francisco for all official advertising for FY2012-2013. (Office of Contract Administration)

05/09/12; RECEIVED FROM DEPARTMENT.

05/22/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### 120540 [Airport Concession Leases - Subway, Jalapeno Grill, Guava & Java, and Mission Bar & Grill]

Resolution approving Amendment No. 2, to Domestic Terminal Food and Beverage Lease No. 03-0185 with Baysubway Airport ("Subway"); No. 03-0187 with Luna Azul Corporation ("Jalapeno Grill"); No. 03-0191 with Guava & Java (SFO), Inc. ("Guava & Java"); and No. 03-0199 with Burger Joint, Inc. ("Mission Bar & Grill"), and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

05/11/12; RECEIVED FROM DEPARTMENT.

05/22/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### 120543 [Report of Assessment Costs for Sidewalk and Curb Repairs]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

05/14/12; RECEIVED FROM DEPARTMENT.

05/22/12; ASSIGNED to Board of Supervisors.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:01 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT.
JUN - 8 2012
SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, June 5, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Kim was noted absent. Supervisor Kim was noted present at 2:08 p.m.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Chu, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of April 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on May 31, 2012, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Sub-Committee

**120406 [Administrative Code - Film Rebate Program Extension and Funding]**

**Sponsor: Farrell**

Ordinance amending the San Francisco Administrative Code Section 57.8 to: 1) extend the Film Rebate Program for two additional years, through June 30, 2014; and 2) increase the total amount of available funds up to $2,000,000 for film rebates during that period.
(Fiscal Impact)

**FINALLY PASSED**

### 120433 [Accept and Expend Grant - Replacement of Refrigeration Equipment in Small Businesses - $403,000]

**Sponsor: Chu**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $403,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to study the impact that the replacement of old refrigeration equipment in San Francisco businesses would have on energy usage and peak power demand in the City, and amending Ordinance No. 146-11 Annual Salary Ordinance, FY2011-2012 and FY 2012-2013) to reflect the addition of one (1) Class 5640 Environmental Specialist grant funded position (.25 FTE) at the Department of the Environment.

**FINALLY PASSED**

## Recommendation of the Government Audit and Oversight Committee

### 120368 [Endorsing the 2011 and 2012 Annual Language Access Ordinance Compliance Reports]

**Sponsors: Chiu; Mar and Campos**

Resolution endorsing "Language Matters: Language Access Ordinance Annual Compliance Summary Report, July 2011" and "Language Access Ordinance Annual Compliance Summary Report, March 2012," issued by the Office of Civic Engagement and Immigrant Affairs.

*Supervisors Mar and Campos requested to be added as co-sponsors.*

**ADOPTED**

## Recommendations of the Land Use and Economic Development Committee

### 110716 [Transportation Code - Tour Bus Parking and Loading]

**Sponsors: Chiu; Farrell**

Ordinance amending the San Francisco Transportation Code, Division I, Article 7 by: 1) amending Section 7.2.27 to remove the restriction on the use of white zones by commercial vehicles and clarify that this Section does not apply to Stands established under Division II of the Code and designated for the use of Tour Buses; 2) amending Section 7.2.38 to establish violations for vehicles other than authorized Tour Buses parking or stopping in restricted Tour Bus Stands and for Tour Buses that exceed posted time limits in such Stands; 3) amending Section 7.2.80 to exclude Tour Bus Stands from otherwise applicable parking restrictions imposed in specified use districts on vehicles required to register with the California Public Utilities Commission; and 4) making environmental findings.

**FINALLY PASSED**

### 120405 [Police Code - Regulating the Use of Amplified Sound on Unenclosed Tour Buses and Establishing Fee]

**Sponsor: Chiu**

Ordinance amending San Francisco Police Code Sections 46, 2901, 2916, and 2922, and adding Section 2913, to: 1) clarify that the definition of "Sound Truck" in Section 46 does not include unenclosed tour buses; 2) clarify that the noise restrictions imposed by Article 29 do not apply to the City and County of San Francisco; 3) prohibit the use of amplified sound systems on unenclosed tour buses unless such systems have been certified by the San Francisco Department of Public Health as not being audible from a distance of 50 or more feet from the vehicle or contain volume limiting electronics to meet that requirement; 4) adding a reporting requirement for the Department of Public Health; 5) adding fees for the Department of Public Health approval and issuance of a Certificate of Authorization to Operate Electronically Amplified Sound on Unenclosed Tour Bus; 6) authorize the Department of Public Health and the Police Department to enforce the requirements of Section 2913; 7) clarify that Article 29 should not be construed to conflict with Federal or State laws; and 8) adopt findings, including environmental findings.

**FINALLY PASSED**

## Recommendation of the Public Safety Committee

### 120440 [Accept and Expend Grant - Water-Based Response Capabilities - $215,000]

**Sponsor: Chiu**

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of $215,000 from the Federal Emergency Management Agency for the FY2011 Port Security Grant Program for assets to enhance the Fire Department's water-based response capabilities and increase its protection of the Port of San Francisco and the San Francisco Bay.

**ADOPTED**

## Recommendations of the Rules Committee

### 120068 [Settlement of Lawsuit - Kevin Woodson v. CCSF - $45,000]

Ordinance authorizing settlement of the lawsuit filed by Kevin Woodson against the City and County of San Francisco for $45,000; the lawsuit was filed on December 10, 2010, in the United States District Court, Northern District of California, Case No. C11-00057 JCS; entitled Kevin Woodson, et al. v. City and County of San Francisco, et al. and the waiver of the San Francisco General Hospital lien. (City Attorney)

**PASSED, ON FIRST READING**

### 120273 [Confirming Reappointment, Local Homeless Coordinating Board - Christine Ma, M.D.]

Resolution confirming the Controller's reappointment of Christine Ma, M.D., term ending October 21, 2015, to the Local Homeless Coordinating Board, and waiving residency requirement. (Controller)

**ADOPTED**

**120491 [Appointment, Local Homeless Coordinating Board - Laura Guzman]**
Motion appointing Laura Guzman, term ending October 21, 2015, to the Local Homeless Coordinating Board, and waiving residency requirement. (Clerk of the Board)

**Motion No.** M12-067

**APPROVED**

**120490 [Appointments, Child Care Planning and Advisory Council - Candace Wong, Simon Lee, Natalie Kriger, and Michele Rutherford]**
Motion appointing Candace Wong, Simon Lee, Natalie Kriger, and Michele Rutherford, terms ending March 19, 2015, to the Child Care Planning and Advisory Council. (Clerk of the Board)

**Motion No.** M12-068

**APPROVED**

**120492 [Appointments, Pedestrian Safety Advisory Committee - John Lowell, Paul Supawanich, Howard Strassner, Robin Brasso, and Zachary Marks]**
Motion appointing Paul Supawanich and Robin Brasso, terms ending March 28, 2013, and John Lowell, Howard Strassner, and Zachary Marks, terms ending March 28, 2014, to the Pedestrian Safety Advisory Committee (Clerk of the Board)

**Motion No.** M12-069

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## REGULAR AGENDA

## UNFINISHED BUSINESS

*There were no items.*

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**120428 [Appropriating $587,756,000 for Wastewater Capital Improvements at the Public Utilities Commission for FY2012-2013 and FY2013-2014]**

**Sponsor: Mayor**

Ordinance appropriating $587,756,000 of proceeds from revenue bonds, wastewater revenue, state grants, and bond interest income for the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise's Capital Improvement Program, comprised of $299,402,000 for FY2012-2013, and $288,354,000 for FY2013-2014, and placing $255,600,000 on Board Finance Committee reserve as well as placing all applicable appropriations by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness, accept and expend a Department of Water Resources administered grant in the amount of $24,147,000 and allow reimbursement of prior expenditures, funded from Wastewater Revenue Bonds, to be funded by the grant retroactive to December 2011; notably if the State delays the disbursement of the $24,147,000 in grant funding, Wastewater Revenue Bonds may be substituted as a source for the grant funds.
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120429 [Appropriating $171,001,000 for Water Capital Improvements at the Public Utilities Commission for FY2012-2013 and FY2013-2014]**

**Sponsor: Mayor**

Ordinance appropriating $171,001,000 of proceeds from revenue bonds, water revenues, and interest income for the San Francisco Public Utilities Commission (SFPUC) Water Enterprise's Capital Improvement Program, comprised of $60,084,000 for FY2012-2013, and $110,917,000 for FY2013-2014, and placing applicable appropriations by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120430 [Appropriating $141,171,000 for Hetch Hetchy Water and Power Capital Improvements at the Public Utilities Commission for FY2012-2013 and FY2013-2014]

**Sponsor: Mayor**

Ordinance appropriating $141,171,000 of Hetch Hetchy revenue, California Energy Commission loan and Power and Water Revenue Bonds for the San Francisco Public Utilities Commission (SFPUC) Hetch Hetchy Enterprise's Capital Improvement Program consisting of $51,383,000 for FY2012-2013, and $89,788,000 for FY2013-2014, and placing applicable appropriations by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness and loan funds.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120467 [Water Revenue Bond Issuance and Sale - Not to Exceed $163,400,000]

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission in an aggregate principal amount not to exceed $163,400,000 to finance various capital water projects benefitting the Water Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120468 [Power Revenue Bond Issuance and Sale - Not to Exceed $12,300,000]

Ordinance approving the issuance and sale of power revenue bonds by the San Francisco Public Utilities Commission (SFPUC) in an aggregate principal amount not to exceed $12,300,000 to finance various power capital projects benefitting the SFPUC Power Enterprise, pursuant to Section 9.107(8) of the City Charter; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120469 [Wastewater Revenue Bond Issuance and Sale - Not to Exceed $522,810,000]

Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission in an aggregate principal amount not to exceed $522,810,000 to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120437 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Enterprise Departments]

**Sponsor: Mayor**

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees for the following services for FY2012-2013 and FY2013-2014: employee and public parking management, information booth, security, and shuttle bus services (Airport); paratransit, security, parking citation and collection, meter collection and coin counting, towing, and transit shelter maintenance services (Municipal Transportation Agency); janitorial and security services (Port); security services (Public Utilities Commission).

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120454 [Lease of Real Property - 1455 Market Street]

Resolution authorizing the lease of 24,440 square feet at 1455 Market Street for seven years plus option to extend for the San Francisco Department of the Environment's Office purposes. (Real Estate Department)
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Government Audit and Oversight Committee

### 120378 [Administrative Code - Establishing a Lesbian, Gay, Bisexual, and Transgender Seniors Task Force]

**Sponsors: Wiener; Olague, Campos, Cohen and Avalos**

Ordinance amending the San Francisco Administrative Code, Chapter 5, Article XII, by adding Sections 5.110 through 5.115, to establish a Lesbian, Gay, Bisexual, and Transgender Seniors Task Force and establish its powers and duties.

*Supervisor Avalos requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120477 [Lease Amendment - San Francisco Forty Niners - Candlestick Park Stadium]

**Sponsors: Mayor; Farrell**

Resolution: 1) approving and authorizing an amendment to the Lease of Candlestick Park Stadium with San Francisco Forty Niners, LLC, to grant the Forty Niners an additional option to terminate the Lease early, between May 31, 2014, and May 31, 2015, providing for the Forty Niners to pay the City $1,000,000 in consideration for the early termination option, and providing that if the Forty Niners exercise the option, the Forty Niners make added minimum guaranteed payments to the City, in lieu of the rent scheduled under the current Lease, of $4,295,000 if the team plays no regular season or post-season NFL games at Candlestick in the 2014 season and up to $5,000,000 more if the team does play such games; 2) approving and accepting the dedication under the amendment of $1,045,000 of such $4,295,000 minimum guaranteed payment for youth programs for the City's Recreation and Park Department; 3) ratifying prior acts; and 4) making environmental findings.
(Fiscal Impact)

*Privilege of the floor was granted to Cheryl Adams (City Attorney's Office) who responded to questions raised throughout the discussion.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Land Use and Economic Development Committee

### 120047 [Planning Code - Including Financial Services Within Definition of Formula Retail]

**Sponsors: Mar; Olague, Campos and Avalos**

Ordinance amending the San Francisco Planning Code by: 1) amending Section 703.3(c) to include financial services within the uses subject to formula retail controls in Neighborhood Commercial Districts; 2) amending Section 806.3(c) including financial services within the uses subject to formula retail controls in Mixed Use Districts; 3) amending Section 303.3(i) making conforming amendments; and 4) making findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and with the Priority Policies of Planning Code Section 101.1.

*Supervisors Campos and Avalos requested to be added as co-sponsors.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

## Recommendation of the Public Safety Committee

### 120431 [Administrative Code - Establishing a Wage Theft Task Force]

**Sponsors: Campos; Mar, Chiu, Kim, Avalos, Olague and Cohen**

Ordinance amending the San Francisco Administrative Code by adding Sections 5.260 through 5.260-5 to: 1) establishing a Wage Theft Task Force to make recommendations to the Board of Supervisors regarding how the City may best address wage theft in San Francisco; 2) provide for the Task Force's membership, organization, and duties; and 3) set a sunset date for the Task Force.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Rules Committee

### 111326 [Confirming Appointment, Municipal Transportation Agency Board of Directors - Cristina Rubke]

**Sponsor: Mayor**

Motion confirming the Mayor's appointment of Cristina Rubke, term ending March 1, 2016, to the Municipal Transportation Agency Board of Directors.

**Motion No.** M12-070

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Supervisor Olague Excused from Voting

**Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Olague be excused from voting on File No. 120493. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

### 120493 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Christina Olague]

Motion appointing Supervisor Christina Olague, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

**Motion No.** M12-071

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Olague

# SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

## Privilege of the Floor

**Supervisor Elsbernd, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to Annette Lonich of the Office of the Clerk of the Board in recognition of her 34 years of service to the City and County of San Francisco upon her retirement. Angela Calvillo, Clerk of the Board, shared in this commendation.*

*Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to Gail Johnson of the Office of the Clerk of the Board in recognition of her 36 years of service to the City and County of San Francisco upon her retirement. Angela Calvillo, Clerk of the Board, shared in this commendation.*

# ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

*Supervisor Farrell was noted absent at 2:54 p.m. and noted present at 3:03 p.m.*

# COMMITTEE REPORTS

## Recommendations of the Land Use and Economic Development Committee

### 120435 [Park Code - Marina Small Craft Harbor Fees and Licenses]

**Sponsor: Farrell**

Ordinance amending the San Francisco Park Code Section 12.11 to: 1) reflect the fees for FY2011-2012 for berthing licenses in the San Francisco Marina Small Craft Harbor; 2) establish a flat daily rate for short-term dock fees; 3) delete fees for obsolete services; 4) add new transfer fee provisions; and 5) authorize annual renewals of berthing licenses pursuant to the Recreation and Park Commission's Marina Rules; and making environmental findings and findings of consistency with the General Plan.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120436 [Appropriating $1,039,600 of Fund Balance in the Marina Yacht Harbor Operating Fund to the Recreation and Park Department for the West Harbor Renovation Project in FY2011-2012]

**Sponsor: Farrell**

Ordinance appropriating $1,039,600 in fund balance in the Marina Yacht Harbor Operation Fund to the Recreation and Park Department in FY2011-2012 for funding the construction of 36 additional slips as a part of the West Harbor Renovation Project.
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Olague was noted absent at 3:20 p.m. and noted present at 3:32 p.m.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Aaron Jones; expressed concerns relating to stadium leases.*
*Francisco Da Costa, expressed various concerns.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Eugene Gordon, Jr.; expressed various concerns.*
*Male Speaker; expressed various concerns.*
*Patrick Whiska; expressed concerns relating to personal home loans.*
*Damon Hernandez; expressed concerns relating to murals and digital artistry.*
*Thomas Bernheim; expressed various concerns relating to veterans access to medical cannibis.*
*James Ward; expressed various concerns relating to veterans access to medical cannibis.*
*Sandra Bacon; expressed various concerns relating to veterans access to medical cannibis.*
*Male Speaker; expressed various concerns relating to veterans access to medical cannibis.*
*Greg; expressed various concerns relating to veterans access to medical cannibis.*
*Gilbert; expressed various concerns relating to veterans access to medical cannibis.*
*Stephen Craig; expressed various concerns relating to veterans access to medical cannibis.*
*Elliott Wright; expressed various concerns relating to veterans access to medical cannibis.*
*Shana; expressed various concerns relating to veterans access to medical cannibis.*
*Mara Hale; expressed concerns relating to immigrant rights.*
*Ignacio Nunez; expressed concerns relating to mental health rights.*
*Ray Hartz; expressed concerns relating to open government and recent Sunshine Ordinance Task Force appointments (See additional information submitted on Page 16).*
*Ace Washington; expressed various concerns relating to African-American migration.*
*Male Speaker; expressed various concerns relating to taxi cab medallions.*
*Espinola Jackson; expressed various concerns.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120562 [José Julio Sarria Day - May 22, 2012]

**Sponsors: Campos; Olague, Wiener and Kim**

Resolution honoring José Julio Sarria for his tremendous contributions to San Francisco's political and cultural life, including being the first openly gay candidate for a political elected office in the United States when he ran for the San Francisco Board of Supervisors in 1961, and declaring May 22, 2012, as José Julio Sarria Day in the City and County of San Francisco.

**ADOPTED**

### 120563 [Accept and Expend Grant - California Arts Council State Local Partnership Program - $14,400]

**Sponsors: Chu; Mayor**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $14,400 from the California Arts Council State Local Partnership Program to help support the Arts Commission's Arts Education Program.

**ADOPTED**

### 120564 [Accept and Expend Grant - Keith Haring Foundation Grant - $15,000]

**Sponsor: Chu**

Resolution to accept and expend a $15,000 grant from the Keith Haring Foundation to the San Francisco Arts Commission's ArtCare Program to restore and conserve Keith Haring's "Dancing Figures" sculpture, located at Third and Howard Streets.

**ADOPTED**

### 120565 [Accept and Expend Grant - Keith Haring Foundation Grant - $50,000]

**Sponsor: Chu**

Resolution to accept and expend a $50,000 grant from the Keith Haring Foundation to the San Francisco Arts Commission's ArtCare Program to restore and conserve Keith Haring's "Dancing Figures" sculpture, located at Third and Howard Streets.

**ADOPTED**

### 120566 [Accept and Expend Grant - Koret Foundation Grant - $25,000]

**Sponsor: Chu**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $25,000 from the Koret Foundation for the ArtCare Program.

**ADOPTED**

### 120567 [Lyme Disease Awareness Month - May 2012]

**Sponsors: Kim; Campos**

Resolution proclaiming May 2012 as Lyme Disease Awareness Month in the City and County of San Francisco.

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

### 120569 [Accept and Expend Grant - California Arts Council's Artist in Schools Grant - $9,600]

**Sponsor: Chu**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $9,600 from the California Arts Council for the WritersCorps Program at Mission High School.

**ADOPTED**

### 120570 [Accept and Expend Grant - Walter and Elise Haas Fund's Creative Work Fund - $40,000]

**Sponsor: Chu**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $40,000 from the Walter and Elise Haas Fund's Creative Work Fund for the WritersCorps Project with Leticia Hernández, "Dar A Luz."

**ADOPTED**

### 120571 [Accept and Expend Grant - National Endowment for the Arts Access - $15,000]

**Sponsor: Chu**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $15,000 from the National Endowment for the Arts Access to Artistic Excellence Grant Program for the fall 2011 Exhibition, "Shift."

**ADOPTED**

### 120586 [Approval of a 30-Day Extension for Planning Commission Review of Signage Required for Privately-Owned Publicly Accessible Open Spaces - File No. 120220]

**Sponsor: Chiu**

Resolution extending by 30-days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 120220) amending the San Francisco Planning Code by: 1) amending Sections 135(h)(4), 135.3(g), and 138(i) to impose additional signage requirements for privately owned publicly-accessible open spaces; 2) amending Section 603(k) to make a conforming amendment; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and Planning Code Section 101.1.

**ADOPTED**

### 120587 [Annette Lonich Day - June 22, 2012]

**Sponsor: Board of Supervisors**

Resolution declaring June 22, 2012, as Annette Lonich Day in the City and County of San Francisco and commending her on the occasion of her retirement from the Office of the Clerk of the Board of Supervisors after 34 years of service to the City and County of San Francisco. (Clerk of the Board)

**ADOPTED**

### 120588 [Gail Johnson Day - June 8, 2012]

**Sponsor: Board of Supervisors**

Resolution declaring June 8, 2012, as Gail Johnson Day in the City and County of San Francisco and commending her on the occasion of her retirement from the Office of the Clerk of the Board of Supervisors after 36 years of service to the City and County of San Francisco. (Clerk of the Board)

**ADOPTED**

### 120574 [Final Map 6375: 2000 Ellis Street]

Motion approving Final Map 6375, a 21 Unit Residential Condominium Project, located at 2000 Ellis Street, being a subdivision in Assessor's Block No. 1101, Lot No. 048; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M12-072

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were no items.*

# LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

### 120576 [Settlement of Lawsuit - State Farm Gen. Ins. Co. v. CCSF - $37,500]

Ordinance authorizing settlement of the lawsuit filed by State Farm Gen. Ins. Co. against the City and County of San Francisco for $37,500; the lawsuit was filed on March 25, 2010, in Superior Court of the State of California, Case No. CGC-10-498127; entitled State Farm Gen. Ins. Co. v. City and County of San Francisco. (City Attorney)

05/24/12; RECEIVED FROM DEPARTMENT.

06/05/12; RECEIVED AND ASSIGNED to Rules Committee.

### 120577 [Settlement of Lawsuit - Anderson v. CCSF - $62,500]

Ordinance authorizing settlement of the lawsuit filed by Phyllis Anderson against the City and County of San Francisco for $62,500; the lawsuit was filed on April 1, 2010, in San Francisco Superior Court, Case No. CGC-09-498287; entitled Phyllis Anderson v. Laguna Honda Hospital, CCSF, and Does 1-50, inclusive. (City Attorney)

05/24/12; RECEIVED FROM DEPARTMENT.

06/05/12; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

### 120578 [Settlement of Alleged Violations of the North American Electric Reliability Corporation Standards and Payment of a $50,000 Penalty]

Resolution approving a settlement of the unlitigated Notice of Alleged Violation filed by the Western Electricity Coordinating Council against Hetch Hetchy Water and Power on September 30, 2011, with respect to alleged violations of the North American Electric Reliability Corporation Reliability Standards. (City Attorney)

05/21/12; RECEIVED FROM DEPARTMENT.

06/05/12; RECEIVED AND ASSIGNED to Rules Committee.

### 120580 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund. (Public Works Department)

05/24/12; RECEIVED FROM DEPARTMENT.

06/05/12; RECEIVED AND ASSIGNED to Board of Supervisors.

### 120581 [Parking Meter Management System]

Resolution authorizing the San Francisco Municipal Transportation Agency to execute an agreement with Serco Inc. for parking meter coin collection, counting, and support services for an amount not to exceed $46,410,974 and for a term of five years, with an option to extend the term for up to an additional four years. (Municipal Transportation Agency)

05/21/12; RECEIVED FROM DEPARTMENT.

06/05/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120582 [Contract Amendment - Construction Management Services for the Bay Division Region Required for the Water System Improvement Program Projects - $26,500,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission contract CS- 914 for Construction Management Services with Jacobs Engineering Group, Inc., to be provided on projects in the Water System Improvement Program, and authorizing the General Manager to execute this amendment, increasing the agreement by $1,500,000 for a total agreement amount of $26,500,000 and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)

05/25/12; RECEIVED FROM DEPARTMENT.

06/05/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 120583 [Real Property Lease Expansion - KLW, LLC - 3120 Mission Street]

Resolution authorizing the amendment of an existing lease at 3120 Mission Street with KLW, LLC, to expand the premises by approximately 5,000 square feet for the Human Services Agency. (Real Estate Department)

05/21/12; RECEIVED FROM DEPARTMENT.

06/05/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

### 120585 [Real Property Sublease - 1440 Harrison Street Development Group, LLC - 1440 Harrison Street]

Resolution authorizing the exercise of a five year option to extend the Sublease of the 52,200 square foot building at 1440 Harrison Street for the Human Services Agency. (Real Estate Department)

05/23/12; RECEIVED FROM DEPARTMENT.

06/05/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:08 p.m.*

## Addendum

*The following information are provided by speaker(s), pursuant to Administrative Code Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.*

*Ray Hartz submitted the following additional information during Public Comment as follows: I'm beginning to wonder: just how bright is this Board of Supervisors? That recent action regarding the SOTF is RETALIATION is evident in one, simple fact: they're replacing every last member! Group punishment is a good indication of REVENGE! The new members are compromised: if they decide against a citizen, is it because the citizen failed to make their case or, because the members know their fate if they find against the BOS? The BOS has compromised its own wins, as the question will arise: did they actually win, or, did they intimidate the jury? In fact, I'm certain the message has reached ALL boards and commission: here's your fate should you decide a case against us! And, I have to wonder if the Ethics Commission case regarding Sheriff Mirkarimi is compromised? After all members of the Ethics Commission must now understand the repercussions of finding other than their told!*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JUN 19 2012

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**Tuesday, June 12, 2012 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Mar was noted absent. There was a quorum.*

*Supervisor Mar was noted present at 2:09 p.m.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Campos, seconded by Supervisor Farrell, moved to approve the Board Meeting Minutes of May 1, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*Rick Caldeira, Legislative Deputy Director, announced that pursuant to Charter Section 3.100(7), the Mayor and Board President have rescheduled the Mayor's Appearance Before the Board to June 19, 2012.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

**120428 [Appropriating $587,756,000 for Wastewater Capital Improvements at the Public Utilities Commission for FY2012-2013 and FY2013-2014]**

**Sponsor: Mayor**

Ordinance appropriating $587,756,000 of proceeds from revenue bonds, wastewater revenue, state grants, and bond interest income for the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise's Capital Improvement Program, comprised of $299,402,000 for FY2012-2013, and $288,354,000 for FY2013-2014, and placing $255,600,000 on Board Finance Committee reserve as well as placing all applicable appropriations by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness, accept and expend a Department of Water Resources administered grant in the amount of $24,147,000 and allow reimbursement of prior expenditures, funded from Wastewater Revenue Bonds, to be funded by the grant retroactive to December 2011; notably if the State delays the disbursement of the $24,147,000 in grant funding, Wastewater Revenue Bonds may be substituted as a source for the grant funds.
(Fiscal Impact)

**FINALLY PASSED**

**120429 [Appropriating $171,001,000 for Water Capital Improvements at the Public Utilities Commission for FY2012-2013 and FY2013-2014]**

**Sponsor: Mayor**

Ordinance appropriating $171,001,000 of proceeds from revenue bonds, water revenues, and interest income for the San Francisco Public Utilities Commission (SFPUC) Water Enterprise's Capital Improvement Program, comprised of $60,084,000 for FY2012-2013, and $110,917,000 for FY2013-2014, and placing applicable appropriations by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness.

**FINALLY PASSED**

**120430 [Appropriating $141,171,000 for Hetch Hetchy Water and Power Capital Improvements at the Public Utilities Commission for FY2012-2013 and FY2013-2014]**

**Sponsor: Mayor**

Ordinance appropriating $141,171,000 of Hetch Hetchy revenue, California Energy Commission loan and Power and Water Revenue Bonds for the San Francisco Public Utilities Commission (SFPUC) Hetch Hetchy Enterprise's Capital Improvement Program consisting of $51,383,000 for FY2012-2013, and $89,788,000 for FY2013-2014, and placing applicable appropriations by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness and loan funds.

**FINALLY PASSED**

**120467 [Water Revenue Bond Issuance and Sale - Not to Exceed $163,400,000]**

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission in an aggregate principal amount not to exceed $163,400,000 to finance various capital water projects benefitting the Water Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

FINALLY PASSED

**120468 [Power Revenue Bond Issuance and Sale - Not to Exceed $12,300,000]**

Ordinance approving the issuance and sale of power revenue bonds by the San Francisco Public Utilities Commission (SFPUC) in an aggregate principal amount not to exceed $12,300,000 to finance various power capital projects benefitting the SFPUC Power Enterprise, pursuant to Section 9.107(8) of the City Charter; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

FINALLY PASSED

**120469 [Wastewater Revenue Bond Issuance and Sale - Not to Exceed $522,810,000]**

Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission in an aggregate principal amount not to exceed $522,810,000 to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

FINALLY PASSED

## Recommendation of the Government Audit and Oversight Committee

**120378 [Administrative Code - Establishing a Lesbian, Gay, Bisexual, and Transgender Seniors Task Force]**

**Sponsors: Wiener; Olague, Campos, Cohen and Avalos**

Ordinance amending the San Francisco Administrative Code, Chapter 5, Article XII, by adding Sections 5.110 through 5.115, to establish a Lesbian, Gay, Bisexual, and Transgender Seniors Task Force and establish its powers and duties.

FINALLY PASSED

## Recommendations of the Land Use and Economic Development Committee

### 120435 [Park Code - Marina Small Craft Harbor Fees and Licenses]

**Sponsor: Farrell**

Ordinance amending the San Francisco Park Code Section 12.11 to: 1) reflect the fees for FY2011-2012 for berthing licenses in the San Francisco Marina Small Craft Harbor; 2) establish a flat daily rate for short-term dock fees; 3) delete fees for obsolete services; 4) add new transfer fee provisions; and 5) authorize annual renewals of berthing licenses pursuant to the Recreation and Park Commission's Marina Rules; and making environmental findings and findings of consistency with the General Plan.

**FINALLY PASSED**

### 120436 [Appropriating $1,039,600 of Fund Balance in the Marina Yacht Harbor Operating Fund to the Recreation and Park Department for the West Harbor Renovation Project in FY2011-2012]

**Sponsor: Farrell**

Ordinance appropriating $1,039,600 in fund balance in the Marina Yacht Harbor Operation Fund to the Recreation and Park Department in FY2011-2012 for funding the construction of 36 additional slips as a part of the West Harbor Renovation Project.
(Fiscal Impact)

**FINALLY PASSED**

### 120388 [Accept and Expend Grant - GreenFinanceSF - $200,608]

**Sponsor: Mar**

Resolution authorizing the Department of the Environment to accept and expend an American Recovery and Reinvestment Act of 2009 funded grant in the amount of $200,608 from the California Energy Commission's State Energy Program through the Local Government Commission to support GreenFinanceSF.

**ADOPTED**

## Recommendation of the Public Safety Committee

### 120431 [Administrative Code - Establishing a Wage Theft Task Force]

**Sponsors: Campos; Mar, Chiu, Kim, Avalos, Olague and Cohen**

Ordinance amending the San Francisco Administrative Code by adding Sections 5.260 through 5.260-5 to: 1) establishing a Wage Theft Task Force to make recommendations to the Board of Supervisors, regarding how the City may best address wage theft in San Francisco; 2) provide for the Task Force's membership, organization, and duties; and 3) set a sunset date for the Task Force.

**FINALLY PASSED**

## Recommendation of the Rules Committee

**120068 [Settlement of Lawsuit - Kevin Woodson v. CCSF - $45,000]**

Ordinance authorizing settlement of the lawsuit filed by Kevin Woodson against the City and County of San Francisco for $45,000; the lawsuit was filed on December 10, 2010, in the United States District Court, Northern District of California, Case No. C11-00057 JCS; entitled Kevin Woodson, et al. v. City and County of San Francisco, et al. and the waiver of the San Francisco General Hospital lien. (City Attorney)

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendation of the Land Use and Economic Development Committee

**120047 [Planning Code - Including Financial Services Within Definition of Formula Retail]**

**Sponsors: Mar; Olague, Campos and Avalos**

Ordinance amending the San Francisco Planning Code by: 1) amending Section 703.3(c) to include financial services within the uses subject to formula retail controls in Neighborhood Commercial Districts; 2) amending Section 806.3(c) including financial services within the uses subject to formula retail controls in Mixed Use Districts; 3) amending Section 303.3(i) making conforming amendments; and 4) making findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and with the Priority Policies of Planning Code Section 101.1.

**FINALLY PASSED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**120561 [Correcting the Appropriation of Sources in Supplemental Ordinance No. 77-12 in the Department of Public Health for FY2011-2012]**

**Sponsors: Chu; Mayor**

Ordinance correcting the appropriation of Sources in Supplemental Ordinance No. 77-12, an Ordinance recognizing revenue losses of $31,477,332 at the Department of Public Health and appropriating $67,629,934 of SB1128 reimbursement revenues, $25,620,000 of surplus General Hospital revenues, and $6,555,007 of General Fund Reserves for State revenue losses to support additional expenditures in the Department of Public Health including $28,160,000 at San Francisco General Hospital, $13,090,000 at Laguna Honda Hospital, and $27,077,609 for a debt service reserve in FY2011-2012.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120476 [Design Agreement Amendment - Laguna Honda Hospital Replacement Program - $51,276,867]**

**Sponsor: Elsbernd**

Resolution authorizing the Director of Public Works to execute an amendment to the design agreement for the Laguna Honda Hospital Replacement Program by increasing the contract amount from $50,799,281 to $51,276,867.
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120526 [Appropriating $265,185,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for FY2011-2012]**

**Sponsors: Mayor; Chu**

Ordinance appropriating $265,185,000 of General Obligation Bond, proceeds, approved by voters under Proposition A in the November 2008 election, authorizing the fourth issuance of General Obligation Bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for FY2011-2012.

*Supervisor Chu requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120532 [Sale of General Obligation Bonds - San Francisco General Hospital Improvement - Not to Exceed $265,185,000]

**Sponsors: Mayor; Chu**

Resolution authorizing and directing the sale of not to exceed $265,185,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds, Series 2012D; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

*Supervisor Chu requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120527 [Appropriating $40,410,000 of Earthquake Safety and Emergency Response General Obligation Bonds to the Public Utilities Commission in FY2011-2012]

**Sponsors: Mayor; Chiu and Chu**

Ordinance appropriating $40,410,000 of the 2012A Series Earthquake Safety and Emergency Response General Obligation Bond Proceeds to the Public Utilities Commission in FY2011-2012 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster and placing these funds on Controller's Reserve pending the sale of the Bonds.

*Supervisor Chu requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120533 [Sale of General Obligation Bonds - Earthquake Safety and Emergency Response - Not to Exceed $40,410,000]**

**Sponsors: Mayor; Chiu and Chu**

Resolution authorizing and directing the sale of not to exceed $40,410,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds, Series 2012E; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds. (Fiscal Impact)

*Supervisor Chu requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## From the Budget and Finance Sub-Committee Without Recommendation

### 120270 [Approval of Public Trust Exchange; Agreement to Sell Portion of Seawall Lot 351 in Exchange for Portion of Block 168-Lot 58, Block 171-Lot 69, and Block 201-Lot 12; Approval of Lease and Maintenance Agreement]

Resolution approving and authorizing a Purchase and Sale Agreement with San Francisco Waterfront Partners II, LLC, for the sale by the San Francisco Port Commission of unimproved real property located on Seawall Lot No. 351 at the corner of The Embarcadero and Washington Street in exchange for a portion of real property located on Block No. 168-Lot No. 58, Block No. 171-Lot No. 69, and Block No. 201-Lot No. 12 having an address at 8 Washington; approving and authorizing a Trust Exchange Agreement with the California State Lands Commission that would remove the public trust from such portion of Seawall Lot No. 351 and impressing the public trust on such portion of real property located on Block No. 168-Lot No. 58, Block No. 171-Lot No. 69, and Block No. 201-Lot No. 12; approving and authorizing a 66-year lease with San Francisco Waterfront Partners II, LLC, for real property near The Embarcadero and former Pacific Street; approving and authorizing a Maintenance Agreement with San Francisco Waterfront Partners II, LLC, for the maintenance of open space bound by The Embarcadero, Washington Street, and Drumm Street; adopting environmental findings and findings of consistency with the General Plan and the eight Priority Policies of City Planning Code Section 101.1; and authorizing the Port's Executive Director and the City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Port)
(Supervisor Avalos dissented in Committee.)

*Supervisor Chiu, seconded by Supervisor Avalos, moved that this Resolution be AMENDED by adding 'WHEREAS, Section 21 of the DDA provides for SFWP to be reimbursed up to $5 million in Public Financing for Qualified Projects Costs of Public Improvements on the Open Space Parcel.'; and adding 'FURTHER RESOLVED, That Board of Supervisors approval of this Resolution is contingent upon a revision of the DDA between the Port and the developer that removes the portions of Section 21 of the DDA that provides for the developer to be reimbursed up to $5 million in Public Financing for Qualified Project Costs of Public Improvements on the Open Space Parcel and instead provides that the developer cannot be reimbursed with Public Financing for any project costs.' The motion FAILED by the following vote:*
*Ayes: 5 - Avalos, Campos, Chiu, Cohen, Mar*
*Noes: 6 - Chu, Elsbernd, Farrell, Kim, Olague, Wiener*

*Supervisor Chiu, seconded by Supervisor Campos, moved that this Resolution be AMENDED by adding 'FURTHER RESOLVED, That Board of Supervisors approval of this Resolution is contingent upon a revision of the Purchase and Sale Agreement between the Port and the developer that provides for payment by the developer to the Port or its designee to fund affordable housing projects in the City in the amount of $25 million.' The motion FAILED by the following vote:*
*Ayes: 4 - Avalos, Campos, Chiu, Cohen*
*Noes: 7 - Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Supervisor Chiu, seconded by Supervisor Campos, moved that this Resolution be AMENDED by adding 'FURTHER RESOLVED, That Board of Supervisors approval of this Resolution is contingent upon a revision of the Purchase and Sale Agreement between the Port and the developer that provides for payment by the developer to the Port or its designee to fund affordable housing projects in the City in the amount of $13 million.' The motion FAILED by the following vote:*
*Ayes: 5 - Avalos, Campos, Chiu, Cohen, Mar*
*Noes: 6 - Chu, Elsbernd, Farrell, Kim, Olague, Wiener*

*Supervisor Chiu, seconded by Supervisor Campos, moved that this Resolution be AMENDED by adding 'FURTHER RESOLVED, That Board of Supervisors approval of this Resolution is contingent upon a revision of the Purchase and Sale Agreement between the Port and the developer that provides for transfer fees equal to 1.0% of the Condominium Sales Proceeds received including the first sale.' The motion FAILED by the following vote:*
*Ayes: 3 - Avalos, Campos, Chiu*
*Noes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

*Privilege of the floor was granted to Cheryl Adams, Deputy City Attorney (City Attorney's Office) who responded to questions raised throughout the discussion regarding File No. 120270.*

**Supervisor Chu, seconded by Supervisor Olague, moved that this Resolution be AMENDED on Page 12, Lines 14-19, by adding 'FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered the information in the memorandum from Paul Maltzer of the Planning Department dated June 12, 2012, that considers the effect of reducing the amount of commercial parking and concludes that such reduction would not result in any additional environmental effects beyond those analyzed in the Final EIR for the reasons stated in the memorandum, which is incorporated into this resolution by this reference; and'. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**ADOPTED AS AMENDED by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

### 120278 [Amending Resolution of Intention to Form Waterfront Infrastructure Financing District (File No. 120128)]

Resolution amending Resolution of Intention to establish Infrastructure Financing District No. 2 (File No. 120128) for the City and County of San Francisco at the Port of San Francisco. (Port)

**ADOPTED by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

## Recommendations of the Government Audit and Oversight Committee

### 120377 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion for Small Business Net New Payroll - 2012 through 2015]

**Sponsors: Farrell; Campos, Chu, Cohen, Elsbernd, Mar and Wiener**

Ordinance amending the San Francisco Business and Tax Regulations Code Article 12-A by adding Section 906.5 to permit a Payroll Expense Tax Exclusion for Small Business Net New Payroll for years 2012 through 2015.
(Fiscal Impact)

*Privilege of the floor was granted to Monique Zmuda, Deputy Controller (Office of the Controller) who responded to questions raised throughout the discussion regarding File No. 120377.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 1 - Avalos

### 120529 [Issuance of Tax Exempt Revenue Obligations - Live Oak School - Not to Exceed $6,750,000]

**Sponsor: Cohen**

Resolution approving, in accordance with Section 147(f) of the Internal Revenue Code, the issuance of tax-exempt revenue obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed $6,750,000 to refinance various capital facilities owned by Live Oak School.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Land Use and Economic Development Committee

### 111338 [Naming the Waller Street Stairway as Adah's Stairway]

**Sponsors: Wiener; Olague**

Ordinance: 1) establishing the name of the stairway on the southern portion of Waller Street at Waller and Broderick Streets that connects to Buena Vista Park at Buena Vista East as "Adah's Stairway," in recognition of Adah Bakalinsky, author of the book Stairway Walks in San Francisco; 2) commemorating this location under Public Works Code Sections 789 et seq., the Commemorative Street Plaque Ordinance; 3) accepting a plaque and its installation in honor of Ms. Bakalinsky as a gift to the City; 4) waiving permit and inspection fees for plaque installation; and 5) directing official acts in furtherance of this Ordinance.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120191 [Building Code - Definition of Efficiency Unit]

**Sponsor: Wiener**

Ordinance amending the San Francisco Building Code Section 1208.4 to reduce the square footage requirement for Efficiency Dwelling Units pursuant to Section 17958.1 of the California Health & Safety Code; and making environmental findings.

**Supervisor Wiener, seconded by Supervisor Chu, moved that this Ordinance be CONTINUED ON FIRST READING to July 10, 2012. The motion carried by the following vote:**

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Olague, Wiener

Noes: 4 - Avalos, Campos, Kim, Mar

### 120572 [Real Property Acquisition, Ground Lease Agreement - Construction of Affordable Housing - MERCY HOUSING CALIFORNIA XLIV - 1180-4th Street]

**Sponsor: Kim**

Resolution: 1) authorizing the Mayor's Office of Housing as Successor Housing Agency to the Redevelopment Agency to exercise an Agency Purchase Option for Block No. 8711, Lot No. 14, also known as 1180-4th Street located within the Mission Bay South Redevelopment Project Area pursuant to that certain Mission Bay South Owner Participation Agreement and Memorandum of Option between the Redevelopment Agency and FOCIL-MB, LLC; 2) approving and authorizing a long term ground lease to MERCY HOUSING CALIFORNIA XLIV, a California limited partnership, for a term of 75 years with a 24 year extension option, under San Francisco Charter Section 9.118, for the development and operation of affordable housing; and 3) making findings that the acquisition and lease is in conformance with CEQA, the City's General Plan, and the priority policies of Planning Code Section 101.1.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## From the Land Use and Economic Development Committee Without Recommendation

### 120271 [Zoning Map Amendment - 8 Washington Street Project]

Ordinance: 1) amending Sheet HT01 of the Zoning Map of the City and County of San Francisco to change the height and bulk district classification of two areas along the Drumm Street frontage of the property located at Assessor's Block No. 0201, Lot No. 012 (8 Washington Street), from 84-E to 92-E in one area and to 136-E in another area; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

*Privilege of the floor was granted to Cheryl Adams, Deputy City Attorney (City Attorney's Office) who responded to questions raised throughout the discussion regarding File No. 120271.*

**Supervisor Chu, seconded by Supervisor Olague, moved that this Ordinance be AMENDED on Page 3, Lines 14-19, by adding 'That the Board of Supervisors has reviewed and considered the information in the memorandum from Paul Maltzer of the Planning Department dated June 12, 2012, that considers the effect of reducing the amount of commercial parking and concludes that such reduction would not result in any additional environmental effects beyond those analyzed in the Final EIR for the reasons stated in the memorandum, which is incorporated into this resolution by this reference.' The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

### 120272 [General Plan Amendment - 8 Washington Street Project]

Ordinance: 1) amending the San Francisco General Plan Map 2 (Height and Bulk Plan) of the Northeastern Waterfront Area Plan as part of the 8 Washington Street Project (Assessor's Block No. 0201, Lot No. 012); and 2) making environmental findings, Planning Code Section 340 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

*Privilege of the floor was granted to Cheryl Adams, Deputy City Attorney (City Attorney's Office) who responded to questions raised throughout the discussion regarding File No. 120272.*

**Supervisor Chu, seconded by Supervisor Olague, moved that this Ordinance be AMENDED on Page 3, Lines 15-20, by adding 'That the Board of Supervisors has reviewed and considered the information in the memorandum from Paul Maltzer of the Planning Department dated June 12, 2012, that considers the effect of reducing the amount of commercial parking and concludes that such reduction would not result in any additional environmental effects beyond those analyzed in the Final EIR for the reasons stated in the memorandum, which is incorporated into this resolution by this reference.' The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

# SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**120639 [Committee of the Whole - Warriors Arena Sole Source Negotiations]**

Hearing of persons interested in or objecting to a Resolution: 1) finding that the competitive bidding policy set forth in Administrative Code Section 2.6-1 does not apply to the potential real estate transaction involving Port property at Piers 30-32 and part of Seawall Lot 330 with GSW Arena LLC (GSW), an affiliate of the Golden State Warriors, for development of an arena and other facilities and endorsing sole source negotiations with GSW for that purpose; 2) endorsing the Port Commission's designation of the Office of Economic and Workforce Development (OEWD) as the lead negotiator of the proposed transaction, in coordination with Port staff and subject to the Port Commission's direction; 3) urging OEWD and the Port to engage in outreach to affected and interested neighbors, community members and other stakeholders to ensure that the proposed project is designed with maximum public input; 4) urging OEWD and the Port to work closely with State agencies having jurisdiction over any of the site, including the State Lands Commission and the Bay Conservation and Development Commission, to develop the project description; 5) urging the OEWD Director, the Port Director and other City officials to make evaluation of the proposed project among their highest priorities and take all appropriate steps to negotiate an exclusive negotiation agreement with GSW; and 6) acknowledging that the City may commence environmental review of the proposed project under CEQA if and when the Board of Supervisors makes the required findings of fiscal feasibility and responsibility under Administrative Code Chapter 29. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to the proposed Resolution as referenced in File No. 120625. Ken Rich (Office of Economic and Workforce Development) provided an overview of the Resolution. Ray Hartz; Jim Lazarus; Walter Paulson; Dennis MacKenzie; Charles Melancon, Sr.; expressed concerns relating to the proposed Resolution. There were no other speakers. The President declared the public hearing closed, adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

### 120625 [Warriors Arena Project - Sole Source Negotiations]

**Sponsors: Mayor; Chiu, Kim, Farrell, Chu, Wiener, Olague and Cohen**

Resolution 1) finding that the competitive bidding policy set forth in Administrative Code Section 2.6-1 does not apply to the potential real estate transaction involving Port property at Piers 30-32 and part of Seawall Lot 330 with GSW Arena LLC (GSW), an affiliate of the Golden State Warriors, for development of an arena and other facilities and endorsing sole source negotiations with GSW for that purpose; 2) endorsing the Port Commission's designation of the Office of Economic and Workforce Development (OEWD) as the lead negotiator of the proposed transaction, in coordination with Port staff and subject to the Port Commission's direction; 3) urging OEWD and the Port to engage in outreach to affected and interested neighbors, community members and other stakeholders to ensure that the proposed project is designed with maximum public input; 4) urging OEWD and the Port to work closely with State agencies having jurisdiction over any of the site, including the State Lands Commission and the Bay Conservation and Development Commission, to develop the project description; 5) urging the OEWD Director, the Port Director and other City officials to make evaluation of the proposed project among their highest priorities and take all appropriate steps to negotiate an exclusive negotiation agreement with GSW; and 6) acknowledging that the City may commence environmental review of the proposed project under CEQA if and when the Board of Supervisors makes the required findings of fiscal feasibility and responsibility under Administrative Code Chapter 29.

**Supervisor Kim, seconded by Supervisor Campos, moved that this Resolution be AMENDED on Page 1, Line 10, by changing 'urging' to 'requiring'; and Page 8, Line 13, by changing 'urges' to 'requires'. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Resolution 1) finding that the potential real estate transaction involving Port property at Piers 30-32 and part of Seawall Lot 330 with GSW Arena LLC (GSW), an affiliate of the Golden State Warriors, for development of an arena and other facilities is exempt from the competitive bidding policy set forth in Administrative Code Section 2.6-1 and endorsing sole source negotiations with GSW for that purpose; 2) endorsing the Port Commission's designation of the Office of Economic and Workforce Development (OEWD) as the lead negotiator of the proposed transaction, in coordination with Port staff and subject to the Port Commission's direction; 3) requiring OEWD and the Port to engage in outreach to affected and interested neighbors, community members and other stakeholders to ensure that the proposed project is designed with maximum public input; 4) urging OEWD and the Port to work closely with State agencies having jurisdiction over any of the site, including the State Lands Commission and the Bay Conservation and Development Commission, to develop the project description; 5) urging the OEWD Director, the Port Director and other City officials to make evaluation of the proposed project among their highest priorities and take all appropriate steps to negotiate an exclusive negotiation agreement with GSW; and 6) acknowledging that the City may commence environmental review of the proposed project under CEQA if and when the Board of Supervisors makes the required findings of fiscal feasibility and responsibility under Administrative Code Chapter 29.

**Supervisor Campos, seconded by Supervisor Kim, moved that this Resolution be AMENDED on Page 1, Line 3, by deleting 'the competitive bidding policy set forth in Administrative Code Section 2.6-1 does not apply to'; Page 1, Line 5, by adding 'is exempt from the competitive bidding policy set forth in Administrative Code Section 2.6-1'; and Page 7, Line 23, to Page 8, Line 1, by changing the clause to 'all as further described above, the possible transaction with GSW (including, for all purposes of this resolution, any affiliated development entity or entities that GSW may establish for the Project, as approved by the City) is exempted from the competitive bidding policy set forth in Administrative Code Section 2.6-1 for development of the Site'. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Olague was noted absent at 3:00 p.m., and present at 3:28 p.m.*

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

*There were none.*

## SPECIAL ORDER 4:00 P.M.

### 120549 [Public Hearing - Appeal of a Final Environmental Impact Report - California Pacific Medical Center Long Range Development Plan Project]

Hearing of persons interested in or objecting to the Planning Commission's decision, dated April 26, 2012, Certification of a Final Environmental Impact Report identified as Planning Case No. 2005.0555E, through its Motion No. 18588, for the proposed California Pacific Medical Center Long Range Development Plan Project. (Appellant: Law Offices of Gloria D. Smith on behalf of the California Nurses Association/National Nurses United, Council of Community Housing Organizations, Cathedral Hill Neighbors Association, Bernal Heights Neighborhood Center, Jobs with Justice San Francisco, and San Franciscans for Healthcare, Housing, Jobs and Justice.) (Filed May 16, 2012) (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.*

**Supervisor Campos, seconded by Supervisor Chu, moved that this Hearing be CONTINUED to July 17, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*The President CONTINUED the Hearing open to July 17, 2012.*

### 120550 [Affirming Certification of Final Environmental Impact Report - California Pacific Medical Center's Long Range Development Plan]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the California Pacific Medical Center's Long Range Development Plan. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Chu, moved that this Motion be CONTINUED to July 17, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120551 [Reversing Certification of Final Environmental Impact Report - California Pacific Medical Center's Long Range Development Plan]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the California Pacific Medical Center's Long Range Development Plan. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Chu, moved that this Motion be CONTINUED to July 17, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120552 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - California Pacific Medical Center's Long Range Development Plan]**
Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the California Pacific Medical Center's Long Range Development Plan. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Chu, moved that this Motion be CONTINUED to July 17, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*James Chaffee; expressed concerns relating to the SF Public Library.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Ray Hartz; expressed concerns relating to government.*
*Edmond Juicye Larry; expressed various concerns.*

*Supervisor Cohen was noted absent at 5:39 p.m. for the remainder of the meeting.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**120620 [Miguel Marquez Day - June 5, 2012]**
**Sponsors: Campos; Kim and Chiu**
Resolution declaring June 5, 2012, as Miguel Marquez Day in the City and County of San Francisco and congratulating former Deputy City Attorney Miguel Marquez for his appointment to the California Sixth District Court of Appeal.

**ADOPTED**

**120621 [Accept and Expend Grant - Sustainable Neighborhoods Technical Assistance and Planning - $49,000]**
**Sponsor: Olague**
Resolution authorizing the Department of the Environment to accept and expend a grant of $49,000 from the Urban Sustainability Directors Network to administrate technical assistance for planning for environmentally sustainable neighborhoods (EcoDistricts) and to develop a plan for a national technical assistance program for local governments.

**ADOPTED**

**120622 [Accept and Expend Grant - Imagination Playgrounds - $11,358]**

**Sponsor: Olague**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend an in-kind grant of two Imagination Playgrounds in a Cart, valued at $11,358 from KaBOOM.

ADOPTED

**120623 [Promoting the Responsible Acquisition of Dogs in the City and County of San Francisco]**

**Sponsors: Wiener; Campos**

Resolution supporting the responsible acquisition of dogs in the City and County of San Francisco.

ADOPTED

**120624 [Approval of an 18-Month Extension for Planning Commission Review of the Ordinance Establishing the Transportation Sustainability Fee (File No. 120524)]**

**Sponsors: Mayor; Wiener and Olague**

Resolution extending by 18 months the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 120524) amending the San Francisco Planning Code by: 1) adding new Sections 411A through 411A.11 to establish a new citywide Transportation Sustainability Fee; 2) amending Section 401 to add definitions reflecting these changes; and 3) making findings, including general findings, environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

ADOPTED

**120541 [Committee of the Whole - Hearing on the Report of Assessment Costs for Sidewalk and Curb Repairs]**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 19, 2012, at 3:00 p.m., to hold a public hearing on a Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

Motion No. M12-074

APPROVED

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Absent: 1 - Cohen

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Chiu requested that File No. 120629 be severed so that it may be considered separately.*

### 120629 [Committee of the Whole - Hearing on the Warriors Arena Sole Source Negotiations]

**Sponsor: Chiu**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 12, 2012, at 3:00 p.m., to hold a public hearing on a Resolution: 1) finding that the competitive bidding policy set forth in Administrative Code Section 2.6-1 does not apply to the potential real estate transaction involving Port property at Piers 30-32 and part of Seawall Lot 330 with GSW Arena LLC (GSW), an affiliate of the Golden State Warriors, for development of an arena and other facilities and endorsing sole source negotiations with GSW for that purpose; 2) endorsing the Port Commission's designation of the Office of Economic and Workforce Development (OEWD) as the lead negotiator of the proposed transaction, in coordination with Port staff and subject to the Port Commission's direction; 3) urging OEWD and the Port to engage in outreach to affected and interested neighbors, community members and other stakeholders to ensure that the proposed project is designed with maximum public input; 4) urging OEWD and the Port to work closely with State agencies having jurisdiction over any of the site, including the State Lands Commission and the Bay Conservation and Development Commission, to develop the project description; 5) urging the OEWD Director, the Port Director and other City officials to make evaluation of the proposed project among their highest priorities and take all appropriate steps to negotiate an exclusive negotiation agreement with GSW; and 6) acknowledging that the City may commence environmental review of the proposed project under CEQA if and when the Board of Supervisors makes the required findings of fiscal feasibility and responsibility under Administrative Code Chapter 29.

*The President inquired as to whether any member of the public wished to address the Board related to File No. 120629. There were no speakers.*

**Motion No.** M12-073

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

**120614 [Establishing an Infrastructure Financing District and Adopting an Infrastructure Financing Plan]**

Ordinance establishing an Infrastructure Financing District and adopting an Infrastructure Financing Plan for the City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco). (Port)

06/04/12; RECEIVED FROM DEPARTMENT.

06/12/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/12/2012.

**120615 [Settlement of Lawsuit - Waterfront Watch - $225,000]**

Ordinance authorizing settlement of the lawsuit filed by Waterfront Watch against the City and County of San Francisco for $225,000; the lawsuit was filed on February 23, 2012, in San Francisco Superior Court, Case No. CPF-12-511968; entitled Waterfront Watch, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are establishing a process for review of Pier 29 rehabilitation work, Port technical assistance to reduce air emissions at Pier 27, agreement not to place a Jumbotron on the water in Aquatic Park Lagoon. (City Attorney)

06/01/12; RECEIVED FROM DEPARTMENT.

06/12/12; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

**120610 [Declaration of Emergency Contract - South Fork Adit - Not to Exceed $319,000]**

Resolution approving Declaration of Emergency Construction Contract of an amount not-to-exceed $319,000 to address a rockslide near South Fork Adit. (Public Utilities Commission)

06/04/12; RECEIVED FROM DEPARTMENT.

06/12/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120611 [Funding Agreement to Fund Acquisition of Nolan Ranch Conservation Easement and Endowment Agreement to Fund Compliance Monitoring of the Conservation Easement]**

Resolution: 1) authorizing pursuant to Charter Section 9.118(b) (i) a Funding Agreement with The Nature Conservancy and Santa Clara County under which the City would contribute one third of the funds, up to $900,000, for Santa Clara County to acquire the Nolan Ranch and create a conservation easement of which the City would be a third party beneficiary, and (ii) an Endowment Agreement under which the City would provide a permanent endowment of $125,000 to fund The Nature Conservancy's monitoring of compliance with the conservation easement; and 2) authorizing the General Manager of the Public Utilities Commission to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Public Utilities Commission)

06/04/12; RECEIVED FROM DEPARTMENT.

06/12/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120612 [Outreach Advertising and Neighborhood Outreach Advertising for FY2012-2013]**

Resolution designating San Francisco Bay View and Small Business Exchange to be the outreach newspapers of the City and County for the African American community; Sing Tao Daily, World Journal, and Small Business Exchange to be the outreach newspapers of the City and County of San Francisco for the Chinese community; El Reportero and Small Business Exchange to be the outreach newspapers of the City and County for the Hispanic community; Bay Area Reporter to be the outreach newspaper of the City and County for the Lesbian, Gay, Bisexual and Transgender community; Central City Extra to be the neighborhood outreach newspaper of the City and County for the Central City neighborhood; Marina Times/Northside Publications to be the neighborhood outreach newspaper of the City and County for the Northern San Francisco neighborhood; Potrero View to be the neighborhood outreach newspaper of the City and County for the Potrero Hill, Bayview, Mission Bay and South of Market neighborhoods; West Portal Monthly to be the neighborhood outreach newspaper of the City and County for the West Portal neighborhood; and The Western Edition to be the neighborhood outreach newspaper for the City and County for the Western Addition neighborhood; to provide outreach advertising for FY2012-2013. (Office of Contract Administration)

06/04/12; RECEIVED FROM DEPARTMENT.

06/12/12; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**120613 [Adopting of Guidelines for Port Infrastructure Financing Districts]**

Resolution adopting guidelines for the establishment and use of Infrastructure Finance Districts on Port property. (Port)

06/04/12; RECEIVED FROM DEPARTMENT.

06/12/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:43 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

**Tuesday, June 19, 2012 - 2:00 PM**

GOVERNMENT
DOCUMENTS DEPT

JUN 21 2012

SAN FRANCISCO
PUBLIC LIBRARY

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Olague was noted absent. There was a quorum.*

*Supervisor Olague was noted present at 2:12 p.m.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Elsbernd, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of May 8, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

## COMMUNICATIONS

*There were none.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

**120590 [Formal Policy Discussions - June 19, 2012]**

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District 4, 6, 8, 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Our last question to you covered the topic of your commitment to the goals of the Ocean Beach Master Plan. A frequent problem in our district is the encroaching sand dunes onto the Great Highway. This past year was particularly problematic, necessitating more than 65 non-scheduled closures of the Great Highway, many for multiple days. While the Department of Public Works has just completed their annual sand maintenance project, more needs to be done to manage the sand both near and long term. One of the near term goals of the Ocean Beach Master Plan is to work with the National Park Service on sand management and relocation. Can you provide an update on the status of the agreement with the NPS and other related agencies and comment on plans for long term sand management? (Supervisor Chu, District 4)

2. First, I wanted to thank the Mayor and the City Administrator for all the hard work they've done in conjunction with our office to attract strong anchor tenants to the Mid-Market area. The groundwork has been laid for a thriving arts district. Along with our crucial large and established organizational partners, we want to ensure that we are creating opportunities for our smaller arts non-profits in the Tenderloin and South of Market to thrive, as well. How can we create a feeder model for these smaller arts non-profits (those with an operating budget of $500,000 or less) to sustain themselves in the neighborhoods they serve, either through partnering with our larger anchor tenants or dedicating space for their programming through existing city-funded programs? (Supervisor Kim, District 6)

3. Mr. Mayor: Only a few days after the opening of the wonderful new children's playground at Dolores Park, neighbors awoke one morning to find that it had been covered in graffiti. Since then, etchings, damaged features, and other acts of vandalism have been perpetrated against this beautiful community asset. Similarly, at Duboce Park, only days after its ribbon cutting, it too was covered in graffiti. You and I were both at these opening celebrations as they served as testaments to what can happen when neighbors, businesses, and the City family come together to make our city friendlier and more inviting to children. Sadly, the City has been unable to ensure adequate protection of these valuable assets. It is baffling to me that in many cases, the Police Department and our District Attorney know who the perpetrators are, but yet are reluctant to press charges. This is unacceptable to me. The Department of Public Works spends more than $20M annually on graffiti abatement along our streets, and the Recreation and Parks Department spends millions more. These wasted tax dollars could be used to repave our streets, hire recreation managers, and keep our landscaping beautiful and healthy. Yet, year after year, we divert these funds to repair the work inflicted by vandals. We need to send a strong message that this type of antisocial behavior will not be tolerated in San Francisco. Mr. Mayor, will you help me ensure that the Police Department arrests these perpetrators and that the District Attorney files charges against them? Will you also help ensure that we have adequate law enforcement - SFPD and Park Patrol - along our streets and in our parks? (Supervisor Wiener, District 8)

4. In the last few months District 10 has experienced a number of shootings and homicides throughout several neighborhoods in the District. Unfortunately, many of these victims have been young adults. With summer here and the Captain of Bayview Station retiring next week, what can you do to increase violence prevention funding and services in the Southeastern neighborhoods? (Supervisor Cohen, District 10)

*Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.*

**HEARD AND FILED**

# CONSENT AGENDA

## Recommendations of the Budget and Finance Sub-Committee

### 120561 [Correcting the Appropriation of Sources in Supplemental Ordinance No. 77-12 in the Department of Public Health for FY2011-2012]

**Sponsors: Chu; Mayor**

Ordinance correcting the appropriation of Sources in Supplemental Ordinance No. 77-12, an Ordinance recognizing revenue losses of $31,477,332 at the Department of Public Health and appropriating $67,629,934 of SB1128 reimbursement revenues, $25,620,000 of surplus General Hospital revenues, and $6,555,007 of General Fund Reserves for State revenue losses to support additional expenditures in the Department of Public Health including $28,160,000 at San Francisco General Hospital, $13,090,000 at Laguna Honda Hospital, and $27,077,609 for a debt service reserve in FY2011-2012.

**FINALLY PASSED**

### 120526 [Appropriating $265,185,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for FY2011-2012]

**Sponsors: Mayor; Chu**

Ordinance appropriating $265,185,000 of General Obligation Bond, proceeds, approved by voters under Proposition A in the November 2008 election, authorizing the fourth issuance of General Obligation Bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for FY2011-2012.
(Fiscal Impact)

**FINALLY PASSED**

### 120527 [Appropriating $40,410,000 of Earthquake Safety and Emergency Response General Obligation Bonds to the Public Utilities Commission in FY2011-2012]

**Sponsors: Mayor; Chiu and Chu**

Ordinance appropriating $40,410,000 of the 2012A Series Earthquake Safety and Emergency Response General Obligation Bond Proceeds to the Public Utilities Commission in FY2011-2012 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster and placing these funds on Controller's Reserve pending the sale of the Bonds.

**FINALLY PASSED**

## Recommendations of the Land Use and Economic Development Committee

### 111338 [Naming the Waller Street Stairway as Adah's Stairway]

**Sponsors: Wiener; Olague**

Ordinance: 1) establishing the name of the stairway on the southern portion of Waller Street at Waller and Broderick Streets that connects to Buena Vista Park at Buena Vista East as "Adah's Stairway," in recognition of Adah Bakalinsky, author of the book Stairway Walks in San Francisco; 2) commemorating this location under Public Works Code Sections 789 et seq., the Commemorative Street Plaque Ordinance; 3) accepting a plaque and its installation in honor of Ms. Bakalinsky as a gift to the City; 4) waiving permit and inspection fees for plaque installation; and 5) directing official acts in furtherance of this Ordinance.

**FINALLY PASSED**

### 120070 [Freeway Maintenance Agreement - Interchange at Highway 101/Richardson Avenue - Lyon Street]

Resolution: 1) approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for Highway 101/Richardson Avenue at Lyon Street; and 2) authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

**ADOPTED**

## Recommendation of the Public Safety Committee

### 120478 [Accept and Expend Grant - Disproportionate Minority Contact Support Project - $100,000]

**Sponsors: Olague; Mar**

Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of $100,000 from the Federal Formula Grants Program for the Disproportionate Minority Contact Support Project, administered by the Corrections Standards Authority for calendar year 2012, to be used to support the Juvenile Probation Department's efforts to reduce Disproportionate Minority Contact in the Juvenile Justice system.

**ADOPTED**

## Recommendations of the Rules Committee

### 120576 [Settlement of Lawsuit - State Farm Gen. Ins. Co. v. CCSF - $37,500]

Ordinance authorizing settlement of the lawsuit filed by State Farm Gen. Ins. Co. against the City and County of San Francisco for $37,500; the lawsuit was filed on March 25, 2010, in Superior Court of the State of California, Case No. CGC-10-498127; entitled State Farm Gen. Ins. Co. v. City and County of San Francisco. (City Attorney)

**PASSED, ON FIRST READING**

### 120577 [Settlement of Lawsuit - Anderson v. CCSF - $62,500]

Ordinance authorizing settlement of the lawsuit filed by Phyllis Anderson against the City and County of San Francisco for $62,500; the lawsuit was filed on April 1, 2010, in San Francisco Superior Court, Case No. CGC-09-498287; entitled Phyllis Anderson v. Laguna Honda Hospital, City and County of San Francisco, and Does 1-50, inclusive. (City Attorney)

**PASSED, ON FIRST READING**

### 120579 [Appointments, Balboa Park Station Community Advisory Committee - Catherine Hickey, Scott Falcone, and Robert Muehlbauer]

Motion appointing Catherine Hickey (residency requirement waived), Scott Falcone, and Robert Muehlbauer, for terms to be determined, to the Balboa Park Station Community Advisory Committee. (Clerk of the Board)

**Motion No.** M12-075

**APPROVED**

### 120584 [Appointments, Sweatfree Procurement Advisory Group - Heather Franzese and Daniel Marroquin]

Motion appointing Heather Franzese and Daniel Marroquin, terms ending December 17, 2013, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

**Motion No.** M12-076

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Government Audit and Oversight Committee

**120377 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion for Small Business Net New Payroll - 2012 through 2015]**

**Sponsors: Farrell; Campos, Chu, Cohen, Elsbernd, Mar and Wiener**

Ordinance amending the San Francisco Business and Tax Regulations Code Article 12-A by adding Section 906.5 to permit a Payroll Expense Tax Exclusion for Small Business Net New Payroll for years 2012 through 2015.
(Fiscal Impact)

*Privilege of the floor was granted to Jason Elliott (Mayor's Office) who responded to questions raised throughout the discussion.*

*Supervisor Avalos, seconded by Supervisor Olague, moved that this Ordinance be CONTINUED to November 20, 2012. The motion was WITHDRAWN.*

**Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to July 10, 2012. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague
Noes: 4 - Chu, Elsbernd, Farrell, Wiener

## From the Land Use and Economic Development Committee Without Recommendation

### 120271 [Zoning Map Amendment - 8 Washington Street Project]

Ordinance: 1) amending Sheet HT01 of the Zoning Map of the City and County of San Francisco to change the height and bulk district classification of two areas along the Drumm Street frontage of the property located at Assessor's Block No. 0201, Lot No. 012 (8 Washington Street), from 84-E to 92-E in one area and to 136-E in another area; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

*Supervisor Chiu, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED on Page 3, Line 7, by deleting '(f) The letter from the Planning Department transmitting the Proposed Zoning Map Amendment to the Board of Supervisors, the Final EIR, the CEQA Findings adopted by the Planning Commission with respect to the approval of the Proposed Project (including a statement of overriding considerations and a mitigation monitoring and reporting program) are on file with the Clerk of the Board in File No. 120271. These and any and all other documents referenced in this Ordinance have been made available to, and have been reviewed by, the Board of Supervisors, and may be found in either the files of the City Planning Department, as the custodian of records, at 1650 Mission Street in San Francisco, or in File No. 120271 with the Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco.' and by adding 'The Board hereby incorporates by reference into this Ordinance, as if fully set forth herein, the letter from the Planning Department transmitting the Proposed Zoning Map Amendment to the Board of Supervisors, and those portions of the accompanying staff report pertaining to the Proposed Zoning Map Amendment, specifically, Planning Commission Resolution No. 18566 and the portion of the staff report containing the Draft Resolution, proposed Ordinance and map illustrating the proposed height change, all of which are on file with the Clerk of the Board in File No. 120271.' The motion FAILED by the following vote:*
*Ayes: 4 - Avalos, Campos, Chiu, Cohen*
*Noes: 7 - Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*
*Supervisor Avalos, seconded by Supervisor Chiu, moved that this Ordinance be CONTINUED until later in the meeting. The motion FAILED by the following vote:*
*Ayes: 4 - Avalos, Campos, Chiu, Chu*
*Noes: 7 - Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**FINALLY PASSED by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

### 120272 [General Plan Amendment - 8 Washington Street Project]

Ordinance: 1) amending the San Francisco General Plan Map 2 (Height and Bulk Plan) of the Northeastern Waterfront Area Plan as part of the 8 Washington Street Project (Assessor's Block No. 0201, Lot No. 012); and 2) making environmental findings, Planning Code Section 340 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

**FINALLY PASSED by the following vote:**

Ayes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Noes: 3 - Avalos, Campos, Chiu

# NEW BUSINESS

## Recommendations of the Land Use and Economic Development Committee

### 120404 [Administrative Code - Urban Agriculture Program]

**Sponsors: Chiu; Avalos, Olague, Mar, Cohen and Campos**

Ordinance amending the San Francisco Administrative Code by adding Sections 53.1 through 53.4 to: 1) establish an Urban Agriculture Program to oversee and coordinate all of the City's Urban Agriculture activities; and 2) adopt goals for the City related to Urban Agriculture.

*Supervisor Campos requested to be added as a co-sponsor.*

**Supervisor Elsbernd, seconded by Supervisor Chiu, moved that this Ordinance be CONTINUED ON FIRST READING to July 10, 2012. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell
Noes: 4 - Kim, Mar, Olague, Wiener

### 120560 [Administrative Code - Port of San Francisco Pier Repair and Replacement Work]

**Sponsors: Avalos; Chu**

Ordinance amending the San Francisco Administrative Code, Article IV, Chapter 6, by adding Section 6.71 to allow the Port of San Francisco to use Port of San Francisco employees to perform demolition, repair, and replacement work on piers under the jurisdiction of the San Francisco Port Commission.

*Supervisor Chu requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Public Safety Committee

### 120559 [Police Code - Prohibiting Obstructing Sidewalks Adjacent to White Zones]

**Sponsors: Campos; Avalos and Mar**

Ordinance amending the San Francisco Police Code by adding Section 65 to prohibit obstructing sidewalks adjacent to white colored curb zones and establish exceptions to the prohibition; and adopting environmental findings.

**Supervisor Campos, seconded by Supervisor Wiener, moved that this Ordinance be AMENDED on Page 4, Lines 20-23, by deleting '(6) Any property or equipment on the White Zone Curb or Adjacent Sidewalk by the owner or tenant of the premises fronted by the Adjacent Sidewalk and White Zone Curb, which is not otherwise prohibited by State or local law, for the purpose of providing information about access to, or for facilitating access to, the premises.' The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Rules Committee

### 111330 [Charter Amendment - Consolidating Odd-Year Municipal Elections]

**Sponsor: Wiener**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, and Article XVII to: 1) change the election cycle for the offices of City Attorney and Treasurer so that these offices will be elected in the same years as the elections for the offices of Mayor, District Attorney, and Sheriff; and 2) to amend the definition of general municipal election so that such elections occur only in even-numbered years and every other odd-numbered year.

**Supervisor Wiener, seconded by Supervisor Farrell, moved that this Charter Amendment be CONTINUED to June 26, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

### 120542 [Public Hearing - Report of Assessment Costs for Sidewalk and Curb Repairs]

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board. Robert Quan (Department of Public Works) provided an overview of the assessments. Mark Pope; Male Speaker; Francisco DaCosta; spoke objecting to the proposed assessments. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

**120543 [Report of Assessment Costs for Sidewalk and Curb Repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

*Robert Quan (Department of Public Works) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment: 18 Ceres Street; 1927 Alemany Boulevard; 332-19th Avenue; 455-21st Avenue; 1318-10th Avenue; 1380-7th Avenue; 1364-12th Avenue; 271-14th Avenue; 1838-23rd Avenue; 1747-20th Avenue; 1845-23rd Avenue; 1896-20th Avenue; 5499 California Street; 1325-10th Avenue; 2828 Folsom Street; 1051 Shotwell Street; 807 Franklin Street; 3152-24th Street; 3046-24th Street; 1754 Noriega Street; 2952 Webster Street; 2052 Green Street; 374-25th Avenue; 2200 Clement Street; 325-23rd Avenue; 546-24th Avenue; 100 Commonwealth Avenue; 521 Euclid Avenue; 11 Cook Street; 622 Spruce Street; 70 Commonwealth Avenue; 3715 California Street; 11 Commonwealth Avenue; 72 Jordan Avenue; 352 Arguello Boulevard; 2351-41st Avenue; 3814 Ulloa Street; 2490-38th Avenue; 1242-8th Avenue; 253-25th Avenue; 214-28th Avenue; 339-26th Avenue; 358-27th Avenue; 354-27th Avenue; 6118 Geary Boulevard; 3400 Anza Street; 121-20th Avenue; 1949 Lake Street; 151-21st Avenue; 258-24th Avenue; 3620 Balboa Street; 618-41st Avenue; 614-42nd Avenue; 4020 Balboa Street; 4030 Balboa Street; 3709 Balboa Street; 755-38th Avenue; 700-39th Avenue; 3729 Balboa Street; 3715 Balboa Street; 746-38th Avenue; 3621 Balboa Street; 763-37th Avenue; 719-36th Avenue; 781-36th Avenue; 783-36th Avenue; 2801 Folsom Street; 2820 Harrison Street. The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 120543, were received without objection.*

**ADOPTED, after accepting the amendments to the accompanying report, by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

### Privilege of the Floor

**Supervisor Olague, seconded by Supervisor Farrell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Olague introduced, welcomed, and presented a Certificate of Honor to Javonte Holloway for his tremendous contribution to the Youth Commission, representation of District 5, and service on the youth justice committee of the Youth Commission.*

*Supervisor Olague introduced, welcomed, and presented a Certificate of Honor to Silena Layne of Up on Top on behalf of Lowie Lo, Joely Zeng, Nan Jiang, Rayshanae Jones, Adrian De Vos, Sonali Raj, Shu (Wilson) Huang MYEEP Youth Worker, Johnson Ho - MYEEP Youth worker, and Yong Yi (Connie) Liu - MYEEP Youth Workers for their contribution to preventing youth summer learning loss and their commitment to supporting and mentoring the youth of District 5.*

*Supervisor Farrell introduced, welcomed, and presented Certificates of Honor to Pavlos Peritos, Ciara Fanlo, Camille Rich, Natalie Sears, James Hernandez of the Summer Reading Program for Western Addition youth in recognition of their accomplishments and continued community support.*

*Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Reverend Norman Fong, Executive Director of the Chinatown Community Development Center, and Mike Kwan or Asian Pacific Americans for Progress and Center for Asian American Media in recognition of their accomplishments and continued community support for the Justice of Vincent Chin. Supervisors Kim, Chiu, Cohen, and Olague shared in this commendation.*

## SPECIAL ORDER 4:00 P.M.

### 120495 [Appeal of Determination of Exemption from Environmental Review - 601 Dolores Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 9, 2012, Case No. 2011.0584E, that a project located at 601 Dolores Street (Assessor Block No. 3598, Lot No. 060) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines Section 15332]. The proposed project involves the conversion of an existing residential use in a former church structure into middle school class rooms and a multi-purpose assembly space and associated interior and exterior changes to the building. (District 8) (Appellant: Jeffrey Goldfarb and Elizabeth Erhardt of Rutan & Tucker, LLP, on behalf of J. Landon Gates and Anne Timmer Gates) (Filed May 9, 2012) (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Walter Paulson; shared in song certain concerns with the Board. There were no other speakers.*

**Supervisor Wiener, seconded by Supervisor Chu, moved that this Hearing be CONTINUED to June 26, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*The President CONTINUED the Hearing open to June 26, 2012.*

### 120496 [Affirming the Exemption Determination - 601 Dolores Street]

Motion affirming the determination by the Planning Department that a project located at 601 Dolores Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to June 26, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120497 [Reversing Exemption Determination - 601 Dolores Street]

Motion reversing the determination by the Planning Department that a project located at 601 Dolores Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to June 26, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120498 [Preparation of Findings to Reverse the Exemption Determination - 601 Dolores Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that a project located at 601 Dolores Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to June 26, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMITTEE REPORTS

## Recommendations of the Government Audit and Oversight Committee

### 120432 [Contract Extension - SFPark - Serco Inc.]

**Sponsors: Chiu; Olague**

Ordinance authorizing the Municipal Transportation Agency to extend the existing contract with Serco Inc. until June 30, 2014, by waiving the two year limitation on the exception for pilot programs to the competitive procurement requirements of Chapter 21 of the San Francisco Administrative Code; and making environmental findings and findings of consistency with the General Plan.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120499 [Memorandum of Understanding - Service Employees International Union, Local 1021]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*

*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120500 [Memorandum of Understanding - International Federation of Professional and Technical Engineers, AFL-CIO, Local 21]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, AFL-CIO, Local 21, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*

*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120501 [Memorandum of Understanding - Union of American Physicians and Dentists (Unit 17)]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 17), to be effective July 1, 2012, through June 30, 2015.

*PASSED ON FIRST READING by the following vote:*

*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120502 [Memorandum of Understanding - Union of American Physicians and Dentists (Unit 18)]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 18), to be effective July 1, 2012, through June 30, 2015.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120503 [Memorandum of Understanding - San Francisco Deputy Probation Officers' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120504 [Memorandum of Understanding - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120505 [Memorandum of Understanding - San Francisco Institutional Police Officers' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120506 [Memorandum of Understanding - Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120507 [Memorandum of Understanding - MOU Multiple Unions (Crafts Coalition)]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Title Workers, Local 12; Plasterers and Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120508 [Memorandum of Understanding - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120509 [Memorandum of Understanding - San Francisco Deputy Sheriffs' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120510 [Memorandum of Understanding - San Francisco District Attorney Investigators' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120511 [Memorandum of Understanding - San Francisco Sheriffs' Managers and Supervisors Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Sheriffs' Managers and Supervisors Association, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120512 [Memorandum of Understanding - Teamsters, Local 856 (Multi-Unit)]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit), to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120513 [Memorandum of Understanding - United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120514 [Memorandum of Understanding - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers, Local 6, AFL-CIO, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120515 [Memorandum of Understanding - Laborers, Local 261]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*

*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120516 [Memorandum of Understanding - Transport Workers Union of America, AFL-CIO, Local 200]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*

*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120517 [Memorandum of Understanding - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*

*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120518 [Memorandum of Understanding - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120519 [Memorandum of Understanding - International Union of Operating Engineers Stationary Engineers, Local 39]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating Engineers Stationary Engineers, Local 39, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120520 [Memorandum of Understanding - Municipal Attorneys Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the mediated arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys Association, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Supervisor Elsbernd Excused from Voting

**Supervisor Chu, seconded by Supervisor Farrell, moved that Supervisor Elsbernd be excused from voting on File No. 120521. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Elsbernd

## 120521 [Memorandum of Understanding - Municipal Executives' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, to be effective July 1, 2012, through June 30, 2014.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Elsbernd

## 120522 [Compensation for Unrepresented Employees]

**Sponsor: Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2012.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120555 [Memorandum of Agreement (Redevelopment Agency of City and County of San Francisco) - Second Amendment - International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Engineers and Architects Unit)]

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment #2 to the 2009-2011 Memorandum of Agreement between the Redevelopment Agency of the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Engineers and Architects Unit), by extending the term of the Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY2011-2012; the Amendment is entered between the City and County of San Francisco, as successor to the Redevelopment Agency of the City and County of San Francisco pursuant to Board of Supervisors Resolution No. 11-12, and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Engineers and Architects Unit).

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120556 [Memorandum of Agreement (Redevelopment Agency of City and County of San Francisco) - Second Amendment - Service Employees International Union, Local 1021]

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment #2 to the 2009-2011 Memorandum of Agreement between the Redevelopment Agency of the City and County of San Francisco and the Service Employees International Union, Local 1021, by extending the term of the Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY2011-2012; the Amendment is entered between the City and County of San Francisco, as successor to the Redevelopment Agency of the City and County of San Francisco pursuant to Board of Supervisors Resolution No. 11-12, and the Service Employees International Union, Local 1021.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120557 [Memorandum of Agreement (Redevelopment Agency of City and County of San Francisco) - Second Amendment - International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Professional/Technical Unit)]

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment #2 to the 2009-2011 Memorandum of Agreement between the Redevelopment Agency of the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Professional/Technical Unit), by extending the term of the Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY2011-2012; the Amendment is entered between the City and County of San Francisco, as successor to the Redevelopment Agency of the City and County of San Francisco pursuant to Board of Supervisors Resolution No. 11-12, and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Professional/Technical Unit).

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120558 [Memorandum of Agreement (Redevelopment Agency of City and County of San Francisco) - Second Amendment - International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Management/Supervisory Unit)]

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment #2 to the 2009-2011 Memorandum of Agreement between the Redevelopment Agency of the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Management/Supervisory Unit), by extending the term of the Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY2011-2012; the Amendment is entered between the City and County of San Francisco, as successor to the Redevelopment Agency of the City and County of San Francisco pursuant to Board of Supervisors Resolution No. 11-12, and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Management/Supervisory Unit).

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120635 [Administrative Code - Updating Job Classifications and Bargaining Units]

**Sponsor: Mayor**

Ordinance amending the San Francisco Administrative Code Section 16.210 to reflect changes in job classifications and bargaining units.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120636 [Memorandum of Understanding - Service Employees International Union, Local 1021 Staff & Per Diem Nurses]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021 Staff & Per Diem Nurses, to be effective July 1, 2012, through June 30, 2014.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120637 [Memorandum of Understanding - Freight Checkers, Clerical Employees & Helpers, Local 856, Supervising Registered Nurses, Unit 47]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and Freight Checkers, Clerical Employees & Helpers, Local 856, Supervising Registered Nurses, Unit 47, to be effective July 1, 2012, through June 30, 2015.

*PASSED ON FIRST READING by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener*
*Absent: 1 - Olague*

*Supervisor Olague, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120539 [Official Advertising, FY2012-2013]

Resolution designating the Examiner and the San Francisco Chronicle to be the official newspapers of the City and County of San Francisco for all official advertising for FY2012-2013. (Office of Contract Administration)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120612 [Outreach Advertising and Neighborhood Outreach Advertising, FY2012-2013]

Resolution designating San Francisco Bay View and Small Business Exchange to be the outreach newspapers of the City and County for the African American community; Sing Tao Daily, World Journal, and Small Business Exchange to be the outreach newspapers of the City and County of San Francisco for the Chinese community; El Reportero and Small Business Exchange to be the outreach newspapers of the City and County for the Hispanic community; Bay Area Reporter to be the outreach newspaper of the City and County for the Lesbian, Gay, Bisexual and Transgender community; Central City Extra to be the neighborhood outreach newspaper of the City and County for the Central City neighborhood; Marina Times/Northside Publications to be the neighborhood outreach newspaper of the City and County for the Northern San Francisco neighborhood; Potrero View to be the neighborhood outreach newspaper of the City and County for the Potrero Hill, Bayview, Mission Bay, and South of Market neighborhoods; West Portal Monthly to be the neighborhood outreach newspaper of the City and County for the West Portal neighborhood; and The Western Edition to be the neighborhood outreach newspaper for the City and County for the Western Addition neighborhood; to provide outreach advertising for FY2012-2013. (Office of Contract Administration)

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendations of the Budget and Finance Committee

### 120616 [Interim Proposed Budget and Annual Appropriation Ordinance - FYs 2012-2013 and 2013-2014]

**Sponsor: Mayor**

Interim Proposed Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for Departments of the City and County of San Francisco as of May 1, 2012, for the FYs ending June 30, 2013, and June 30, 2014.
(Fiscal Impact)

**Supervisor Chu, seconded by Supervisor Campos, moved that this Ordinance be AMENDED by correcting date from May 1, 2012, to May 31, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Interim Proposed Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for Departments of the City and County of San Francisco as of May 31, 2012, for the FYs ending June 30, 2013, and June 30, 2014.

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120617 [Interim Annual Salary Ordinance - FYs 2012-2013 and 2013-2014]

**Sponsor: Mayor**

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FYs ending June 30, 2013, and June 30, 2014, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120594 [Interim Treasure Island Development Authority Budget - FYs 2012-2013 and 2013-2014]

**Sponsor: Mayor**

Resolution approving the interim budget of the Treasure Island Development Authority for FY2012-2013 and FY2013-2014.

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Francisco DaCosta, expressed various concerns.*
*Male Speaker; expressed various concerns.*
*Dale Seymour; expressed concerns relating to tenderloin police services.*
*Alicia Chow; expressed various concerns relating to falun gong.*
*Male Speaker; expressed various concerns relating to falun gong.*
*Female Speaker; expressed various concerns relating to falun gong.*
*Male Speaker; expressed various concerns.*
*Ace Washington; expressed various concerns relating to African-American migration.*
*Edmond Juicye; expressed various concerns.*
*Peter Warfield; expressed concerns relating to the SF Public Library and proposed mural project.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 120679 [Accept and Expend Grant - Ten and Under Tennis - $30,300]

**Sponsor: Mar**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend an in-kind grant from the United States Tennis Association (USTA) NorCAL, valued at $30,300 to equip and line 71 tennis courts city-wide for Ten and Under Tennis.

**ADOPTED**

### 120680 [Supporting Senate Bill 1172 - Banning Sexual Orientation Change Efforts for Minors]

**Sponsors: Wiener; Campos and Olague**

Resolution supporting California Senate Bill 1172, which bans sexual orientation change efforts for minors in the State of California.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Farrell requested that File No. 120678 be severed so that it may be considered separately.*

### 120678 [Preservation and Display of First Responder Artifacts and Facilities by Guardians of the City]

**Sponsor: Farrell**

Resolution urging the San Francisco Fire Department (SFFD), Police Department (SFPD), Sheriff, and Department of Emergency Management (DEM), in consultation with the City Attorney's Office, the Purchaser, the Department of Real Estate, and any other agencies with jurisdiction over former Fire, Police, or Sheriff's Department artifacts and facilities, to consider: 1) preparing an agreement for possible loan of historical artifacts and surplus property from SFFD, SFPD, Sherriff, and DEM ("First Responder Artifacts") to a nonprofit 501(c)(3) organization known as Guardians of the City (GOTC) for management, research, care, conservation, and public display; 2) entering into a lease or other agreements regarding GOTC's use of space in SFFD or other City facilities for GOTC's public exhibitions and related administrative activities, and possible preservation of historic facilities; and 3) the development of other methods of supporting and encouraging the collection, preservation, protection, and public display of important First Responder Artifacts and facilities for the benefit of current and future generations.

**Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED on Page 2, beginning on Line 22, by adding 'WHEREAS, The GOTC proposes to use space in 1152 Oak Street and in the SFFD Fire Chief's house and other facilities suitable for public display and access for possible public displays and related administrative spaces to support such activities; and WHEREAS, The GOTC has expressed an interest in helping to support the restoration and preservation of 1152 Oak Street and the SFFD Fire Chief's house for the benefit and enjoyment of the public; and.' The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Mar, seconded by Supervisor Avalos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Mar, seconded by Supervisor Avalos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

**120700 [Justice for Vincent Chin Day - June 23, 2012]**
**Sponsors: Mar; Olague**

Resolution declaring June 23, 2012, as Justice for Vincent Chin Day and recognizing the 30th anniversary of the death of Vincent Chin in the City and County of San Francisco.

*Supervisor Olague requested to be added as a co-sponsor.*

*The President inquired as to whether any member of the public wished to address the Board relating to File No. 120700. There were no speakers. The President declared public comment closed.*

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED ORDINANCES

**120656 [Settlement of Lawsuit - John and Virginia Lai - $275,000]**

Ordinance authorizing settlement of the lawsuit by John and Virginia Lai against the City and County of San Francisco for $275,000; the lawsuit was filed on December 27, 2010, in San Francisco Superior Court, Case No. CGC-10-506691; entitled John and Virginia Lai, et al. v. City and County of San Francisco, et al. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

**120657 [Settlement of Lawsuit - Michael Horan - $250,000]**

Ordinance authorizing settlement of the lawsuit filed by Michael Horan against the City and County of San Francisco for $250,000; the lawsuit was originally filed on September 25, 2009, in San Francisco Superior Court, Case No. CGC-09-492910, removed to United States District Court, Northern District, Case No. CV-10-01383; entitled Michael Horan v. City and County of San Francisco, et al. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

**120659 [Settlement of Lawsuit - Gerardo Gonzales Delgado - $250,000]**

Ordinance authorizing settlement of the lawsuit filed by Gerardo Gonzales Delgado against the City and County of San Francisco for $250,000; the lawsuit was filed on August 2, 2010, in San Francisco Superior, Case No. CGC-10-502105; entitled Gerardo Gonzales Delgado v. City and County of San Francisco, et al. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

**120685 [General Plan Amendment - Transit Center District Plan]**

Ordinance: 1) amending the San Francisco General Plan by adding the Transit Center District Sub-Area Plan to the Downtown Plan and making various amendments to the Downtown Plan, Urban Design Element, Commerce and Industry Element, Recreation and Open Space Element, and Transportation Element as part of the establishment of the Transit Center District Plan; and 2) making environmental findings and findings of consistency with the General Plan as proposed for amendment and Planning Code Section 101.1. (Planning Commission)

06/08/12; RECEIVED FROM DEPARTMENT.

06/19/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/19/2012.

## PROPOSED RESOLUTIONS

**120655 [Special Assessment of Liens for Assessment of Cost]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and Fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, and Section 110A - Tables 1A-K and 1A-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of costs thereof having accrued pursuant to Code Violations referenced above. (Building Inspection Commission)

06/11/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Board of Supervisors.

**120658 [Agreement Amendment - Recology - Refuse Collection - Not to Exceed $33,142,175]**

Resolution approving the Fourth Amendment to the Refuse Collection Agreement between the City and County of San Francisco, Recology San Francisco, Recology Golden Gate, and Recology Sunset Scavenger, increasing the total not-to-exceed amount of the Agreement from $28,059,629 to $33,142,175 under Charter Section 9.118(b). (Purchaser)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**120684 [Settlement of Claim - Kimberly Wilson - $35,000]**

Resolution approving a settlement of the unlitigated claim filed by Kimberly Wilson against the City and County of San Francisco for $35,000; claim was filed on April 11, 2011. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:30 p.m.*

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

**Tuesday, June 26, 2012 - 2:00 PM**

GOVERNMENT
DOCUMENTS DEPT

JUN 29 2012

SAN FRANCISCO
PUBLIC LIBRARY

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Chu, Avalos, Kim, Cohen, Wiener | Wednesday<br>1:00 PM |
| **Budget and Finance Sub-Committee**<br>Supervisors Chu, Avalos, Kim | Wednesday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza | 4th Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Elsbernd, Chu, Olague | 2nd and 4th Monday<br>10:00 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Farrell, Elsbernd, Chiu | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Mar, Cohen, Wiener | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Avalos, Olague, Mar | 1st and 3rd Thursday<br>10:30 AM |
| **Rules Committee**<br>Supervisors Kim, Farrell, Campos | 1st and 3rd Thursday<br>1:30 PM |

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:12 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Avalos, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of May 15, 2012, and May 22, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Government Audit and Oversight Committee

**120432 [Contract Extension - SFPark - Serco Inc.]**

**Sponsors: Chiu; Olague**

Ordinance authorizing the Municipal Transportation Agency to extend the existing contract with Serco Inc. until June 30, 2014, by waiving the two-year limitation on the exception for pilot programs to the competitive procurement requirements of Chapter 21 of the San Francisco Administrative Code; and making environmental findings and findings of consistency with the General Plan.

FINALLY PASSED

**120499 [Memorandum of Understanding - Service Employees International Union, Local 1021]**

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, to be effective July 1, 2012, through June 30, 2014.

FINALLY PASSED

### 120500 [Memorandum of Understanding - International Federation of Professional and Technical Engineers, AFL-CIO, Local 21]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, AFL-CIO, Local 21, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120501 [Memorandum of Understanding - Union of American Physicians and Dentists (Unit 17)]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 17), to be effective July 1, 2012, through June 30, 2015.

**FINALLY PASSED**

### 120502 [Memorandum of Understanding - Union of American Physicians and Dentists (Unit 18)]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 18), to be effective July 1, 2012, through June 30, 2015.

**FINALLY PASSED**

### 120503 [Memorandum of Understanding - San Francisco Deputy Probation Officers' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120504 [Memorandum of Understanding - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120505 [Memorandum of Understanding - San Francisco Institutional Police Officers' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120506 [Memorandum of Understanding - Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120507 [Memorandum of Understanding - MOU Multiple Unions (Crafts Coalition)]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Title Workers, Local 12; Plasterers and Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120508 [Memorandum of Understanding - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120509 [Memorandum of Understanding - San Francisco Deputy Sheriffs' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120510 [Memorandum of Understanding - San Francisco District Attorney Investigators' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120511 [Memorandum of Understanding - San Francisco Sheriffs' Managers and Supervisors Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Sheriffs' Managers and Supervisors Association, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120512 [Memorandum of Understanding - Teamsters, Local 856 (Multi-Unit)]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit), to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120513 [Memorandum of Understanding - United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120514 [Memorandum of Understanding - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers, Local 6, AFL-CIO, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

### 120515 [Memorandum of Understanding - Laborers, Local 261]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to be effective July 1, 2012, through June 30, 2014.

**FINALLY PASSED**

**120516 [Memorandum of Understanding - Transport Workers Union of America, AFL-CIO, Local 200]**

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, to be effective July 1, 2012, through June 30, 2014.

FINALLY PASSED

**120517 [Memorandum of Understanding - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]**

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), to be effective July 1, 2012, through June 30, 2014.

FINALLY PASSED

**120518 [Memorandum of Understanding - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]**

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), to be effective July 1, 2012, through June 30, 2014.

FINALLY PASSED

**120519 [Memorandum of Understanding - International Union of Operating Engineers Stationary Engineers, Local 39]**

**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating Engineers Stationary Engineers, Local 39, to be effective July 1, 2012, through June 30, 2014.

FINALLY PASSED

**120520 [Memorandum of Understanding - Municipal Attorneys Association]**

**Sponsor: Mayor**

Ordinance adopting and implementing the mediated arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys Association, to be effective July 1, 2012, through June 30, 2014.

FINALLY PASSED

**120522 [Compensation for Unrepresented Employees]**

**Sponsor: Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2012.

FINALLY PASSED

### 120555 [Memorandum of Agreement (Redevelopment Agency of City and County of San Francisco) - Second Amendment - International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Engineers and Architects Unit)]

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment #2 to the 2009-2011 Memorandum of Agreement between the Redevelopment Agency of the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Engineers and Architects Unit), by extending the term of the Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY2011-2012; the Amendment is entered between the City and County of San Francisco, as successor to the Redevelopment Agency of the City and County of San Francisco pursuant to Board of Supervisors Resolution No. 11-12, and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Engineers and Architects Unit).

**FINALLY PASSED**

### 120556 [Memorandum of Agreement (Redevelopment Agency of City and County of San Francisco) - Second Amendment - Service Employees International Union, Local 1021]

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment #2 to the 2009-2011 Memorandum of Agreement between the Redevelopment Agency of the City and County of San Francisco and the Service Employees International Union, Local 1021, by extending the term of the Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY2011-2012; the Amendment is entered between the City and County of San Francisco, as successor to the Redevelopment Agency of the City and County of San Francisco pursuant to Board of Supervisors Resolution No. 11-12, and the Service Employees International Union, Local 1021.

**FINALLY PASSED**

### 120557 [Memorandum of Agreement (Redevelopment Agency of City and County of San Francisco) - Second Amendment - International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Professional/Technical Unit)]

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment #2 to the 2009-2011 Memorandum of Agreement between the Redevelopment Agency of the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Professional/Technical Unit), by extending the term of the Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY2011-2012; the Amendment is entered between the City and County of San Francisco, as successor to the Redevelopment Agency of the City and County of San Francisco pursuant to Board of Supervisors Resolution No. 11-12, and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Professional/Technical Unit).

**FINALLY PASSED**

**120558 [Memorandum of Agreement (Redevelopment Agency of City and County of San Francisco) - Second Amendment - International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Management/Supervisory Unit)]**
**Sponsor: Mayor**
Ordinance adopting and implementing Amendment #2 to the 2009-2011 Memorandum of Agreement between the Redevelopment Agency of the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Management/Supervisory Unit), by extending the term of the Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY2011-2012; the Amendment is entered between the City and County of San Francisco, as successor to the Redevelopment Agency of the City and County of San Francisco pursuant to Board of Supervisors Resolution No. 11-12, and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO (Management/Supervisory Unit).

FINALLY PASSED

**120635 [Administrative Code - Updating Job Classifications and Bargaining Units]**
**Sponsor: Mayor**
Ordinance amending the San Francisco Administrative Code Section 16.210 to reflect changes in job classifications and bargaining units.

FINALLY PASSED

**120636 [Memorandum of Understanding - Service Employees International Union, Local 1021 Staff & Per Diem Nurses]**
**Sponsor: Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021 Staff & Per Diem Nurses, to be effective July 1, 2012, through June 30, 2014.

FINALLY PASSED

**120637 [Memorandum of Understanding - Freight Checkers, Clerical Employees & Helpers, Local 856, Supervising Registered Nurses, Unit 47]**
**Sponsor: Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and Freight Checkers, Clerical Employees & Helpers, Local 856, Supervising Registered Nurses, Unit 47, to be effective July 1, 2012, through June 30, 2015.

FINALLY PASSED

## Recommendation of the Land Use and Economic Development Committee

**120560 [Administrative Code - Port of San Francisco Pier Repair and Replacement Work]**
**Sponsors: Avalos; Chu**
Ordinance amending the San Francisco Administrative Code, Article IV, Chapter 6, by adding Section 6.71 to allow the Port of San Francisco to use Port of San Francisco employees to perform demolition, repair, and replacement work on piers under the jurisdiction of the San Francisco Port Commission.

FINALLY PASSED

## Recommendations of the Rules Committee

**120576 [Settlement of Lawsuit - State Farm Gen. Ins. Co. v. CCSF - $37,500]**

Ordinance authorizing settlement of the lawsuit filed by State Farm Gen. Ins. Co. against the City and County of San Francisco for $37,500; the lawsuit was filed on March 25, 2010, in Superior Court of the State of California, Case No. CGC-10-498127; entitled State Farm Gen. Ins. Co. v. City and County of San Francisco. (City Attorney)

**FINALLY PASSED**

**120577 [Settlement of Lawsuit - Anderson v. CCSF - $62,500]**

Ordinance authorizing settlement of the lawsuit filed by Phyllis Anderson against the City and County of San Francisco for $62,500; the lawsuit was filed on April 1, 2010, in San Francisco Superior Court, Case No. CGC-09-498287; entitled Phyllis Anderson v. Laguna Honda Hospital, City and County of San Francisco, and Does 1-50, inclusive. (City Attorney)

**FINALLY PASSED**

**120578 [Settlement of Alleged Violations of the North American Electric Reliability Corporation Standards and Payment of a $50,000 Penalty]**

Resolution approving a settlement of the unlitigated Notice of Alleged Violation filed by the Western Electricity Coordinating Council against Hetch Hetchy Water and Power on September 30, 2011, with respect to alleged violations of the North American Electric Reliability Corporation Reliability Standards. (City Attorney)

**ADOPTED**

**120615 [Settlement of Lawsuit - Waterfront Watch - $225,000]**

Ordinance authorizing settlement of the lawsuit filed by Waterfront Watch against the City and County of San Francisco for $225,000; the lawsuit was filed on February 23, 2012, in San Francisco Superior Court, Case No. CPF-12-511968; entitled Waterfront Watch, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are establishing a process for review of Pier 29 rehabilitation work, Port technical assistance to reduce air emissions at Pier 27, agreement not to place a Jumbotron on the water in Aquatic Park Lagoon. (City Attorney)

**PASSED, ON FIRST READING**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Budget and Finance Committee

### 120616 [Interim Proposed Budget and Annual Appropriation Ordinance - FYs 2012-2013 and 2013-2014]

**Sponsor: Mayor**

Interim Proposed Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for Departments of the City and County of San Francisco as of May 1, 2012, for the FYs ending June 30, 2013, and June 30, 2014.
(Fiscal Impact)

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120617 [Interim Annual Salary Ordinance - FYs 2012-2013 and 2013-2014]

**Sponsor: Mayor**

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FYs ending June 30, 2013, and June 30, 2014, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Government Audit and Oversight Committee

## Supervisor Elsbernd Excused from Voting

**Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Elsbernd be excused from voting on File No. 120521. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Elsbernd

### 120521 [Memorandum of Understanding - Municipal Executives' Association]

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, to be effective July 1, 2012, through June 30, 2014.
(Supervisor Elsbernd excused from voting.)

**FINALLY PASSED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener
Excused: 1 - Elsbernd

## Recommendation of the Public Safety Committee

### 120559 [Police Code - Prohibiting Obstructing Sidewalks Adjacent to White Zones]

**Sponsors: Campos; Avalos and Mar**

Ordinance amending the San Francisco Police Code by adding Section 65 to prohibit obstructing sidewalks adjacent to white colored curb zones and establish exceptions to the prohibition; and adopting environmental findings.

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Recommendation of the Rules Committee

### 111330 [Charter Amendment - Consolidating Odd-Year Municipal Elections]

**Sponsor: Wiener**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, and Article XVII to: 1) change the election cycle for the offices of City Attorney and Treasurer so that these offices will be elected in the same years as the elections for the offices of Mayor, District Attorney, and Sheriff; and 2) to amend the definition of general municipal election so that such elections occur only in even-numbered years and every other odd-numbered year.

**ORDERED SUBMITTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# NEW BUSINESS

## From the Rules Committee Without Recommendation

### 120219 [Charter Amendment - Replacing Ranked-Choice Voting for City-Wide Offices with Run-Off Elections]

**Sponsors: Farrell; Chu, Cohen, Elsbernd, Olague and Wiener**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 13.101, 13.101.5, 13.102, 13.107, and Article XVII and by adding Section 13.102.5 to replace ranked-choice voting for City-wide offices with run-off elections.

*Duplicated and Amended, see File Nos. 120723 and 120724.*

**Supervisor Campos, seconded by Supervisor Farrell, moved that this Charter Amendment be CONTINUED to July 10, 2012, with the Board sitting as a Committee of the Whole. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120723 [Charter Amendment - Incorporating Run-Off Elections into Ranked-Choice Voting for Office of Mayor]

**Sponsor: Chiu**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 13.101, 13.102, and Article XVII and by adding Section 13.102.5 to incorporate run-off elections into ranked-choice voting for the office of Mayor.

*Duplicated as Amended, see File Nos. 120219 and 120724.*

**Supervisor Campos, seconded by Supervisor Farrell, moved that this Charter Amendment be DUPLICATED AS AMENDED and CONTINUED to July 10, 2012, with the Board sitting as a Committee of the Whole. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120724 [Charter Amendment - Replacing Ranked-Choice Voting for Mayor with Run-Off Elections]

**Sponsor: Olague**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, 13.101.5, 13.102, 13.107, and Article XVII and by adding Section 13.102.5 to replace ranked-choice voting for Mayor with run-off elections.

*Duplicated as Amended, see File Nos. 120219 and 120723.*

**Supervisor Campos, seconded by Supervisor Farrell, moved that this Charter Amendment be DUPLICATED AS AMENDED and CONTINUED to July 10, 2012, with the Board sitting as a Committee of the Whole. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

# SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

### 120712 [Public Hearing - Report of Assessment Costs for Blighted Properties]

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board. Timothy Hines (Department of Public Works) provided an overview of the assessments. Anne Wong; Peter Carashas; spoke objecting to the proposed assessments. Timothy Hines (Department of Public Works) responded to questions raised throughout the discussion and indicated that recent receipt of payment and/or resolution was provided to various properties as referenced in File No. 120580. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

*Supervisor Wiener was noted absent at 4:02 p.m. and noted present at 4:09 p.m.*

### 120580 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund. (Public Works Department)

*Timothy Hines (Department of Public Works) indicated that the following addresses should be removed from the accompanying report due to recent receipt of payment and/or resolution:*
*213-9th Street;*
*134 Capp Street;*
*1741 Fulton Street; and*
*10 Loyola Terrace.*
*The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 120580 were received without objection.*

**ADOPTED, after accepting the amendments to the accompanying report, by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague
Absent: 1 - Wiener

## SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

### Privilege of the Floor

**Supervisor Wiener, seconded by Supervisor Cohen, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*Supervisor Wiener introduced, welcomed, and presented a Certificate of Honor to Commander Lea Militello of the San Francisco Police Department in recognition of 30 years of faithful service, during which she received four Police Commission Commendations, one Meritorious Conduct Award, one Silver Medal, and one Purple Heart Award, upon her retirement. Supervisors Campos, Chu, Elsbernd, Olague, and Police Chief Greg Suhr shared in this commendation.*

## SPECIAL ORDER 4:00 P.M.

### 120495 [Appeal of Determination of Exemption from Environmental Review - 601 Dolores Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 9, 2012, Case No. 2011.0584E, that a project located at 601 Dolores Street (Assessor Block No. 3598, Lot No. 060) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines Section 15332]. The proposed project involves the conversion of an existing residential use in a former church structure into middle school class rooms and a multi-purpose assembly space and associated interior and exterior changes to the building. (District 8) (Appellant: Jeffrey Goldfarb and Elizabeth Erhardt of Rutan & Tucker, LLP, on behalf of J. Landon Gates and Anne Timmer Gates) (Filed May 9, 2012) (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.*

**Supervisor Mar, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to July 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*The President CONTINUED the Hearing open to July 24, 2012.*

### 120496 [Affirming the Exemption Determination - 601 Dolores Street]

Motion affirming the determination by the Planning Department that a project located at 601 Dolores Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120497 [Reversing the Exemption Determination - 601 Dolores Street]

Motion reversing the determination by the Planning Department that a project located at 601 Dolores Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120498 [Preparation of Findings to Reverse the Exemption Determination - 601 Dolores Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that a project located at 601 Dolores Street is exempt from environmental review. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## SPECIAL ORDER 4:00 P.M.

### 120646 [Appeal of Conditional Use Authorization - 601 Dolores Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's April 26, 2012, approval of a Conditional Use Authorization identified as Planning Case No. 2011.0584CV, by its Motion No. 18604, pursuant to Planning Code Sections 209.3(g), 303, and 317, to convert a former church that is currently being used as a single-family dwelling into a private elementary school operated by "Children's Day School", within a RH-3 (Residential House, Three-Family), on property located at 601 Dolores Street, Assessor's Block Assessor's Block No. 3598, Lot No. 060. (District 8) (Appellants: Elizabeth Erhardt, Rutan Attorneys at Law, on behalf of Lisa Nahmanson and Sandra Steele) (Filed May 29, 2012) (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.*

**Supervisor Mar, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to July 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

*The President CONTINUED the Hearing open to July 24, 2012.*

### 120647 [Affirming the Conditional Use Authorization - 601 Dolores Street]

Motion approving decision of the Planning Commission by its Motion No. 18604, approving Conditional Use Authorization identified as Planning Case No. 2011.0584CV on property located at 601 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120648 [Reversing the Conditional Use Authorization - 601 Dolores Street]

Motion disapproving decision of the Planning Commission by its Motion No. 18604, approving Conditional Use Authorization identified as Planning Case No. 2011.0584CV on property located at 601 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

### 120649 [Preparation of Findings Related to the Conditional Use Authorization - 601 Dolores Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0584CV on property located at 601 Dolores Street. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 24, 2012. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## COMMITTEE REPORTS

### Recommendations of the Land Use and Economic Development Committee

*Supervisor Olague was noted absent at 3:15 p.m. and noted present at 3:38 p.m.*

### 120632 [Agreements, Permit, and Lease - Improvements on Portions of Third, Fourth, Owens, and 16th Streets - UCSF Mission Bay]

**Sponsors: Cohen; Kim**

Ordinance 1) approving and authorizing a master agreement between the City and The Regents of the University of California, on behalf of its San Francisco campus (UCSF) governing various public improvements and other transactions relating generally to Fourth, Owens, Third and Sixteenth Streets in Mission Bay, and approving and authorizing the permit and agreements contemplated by such agreement, including a) the issuance of a major encroachment permit granting revocable permission to UCSF to occupy portions of these streets for UCSF improvements and activities, including a Fourth Street public plaza, b) maintenance agreements for said improvements, c) an easement agreement for UCSF utilities under Fourth Street between 16th Street and Mission Bay Boulevard South, d) easement agreements for sidewalk curb ramps, for public pedestrian passage, and City utilities over certain property within the UCSF campus, and e) a lease of subsurface and air space for UCSF improvements above and below certain segments of Fourth Street between Sixteenth and Mariposa Streets on State Trust property; 2) accepting offers of real property and public improvements along such streets and portions of Mariposa Street for street widening, turning radii and right turn lane purposes; 3) making environmental findings and findings of consistency with the City's General Plan, the eight priority policy findings of Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; 4) accepting Department of Public Works Order; and 5) authorizing official acts in connection with this Ordinance.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

**120676 [Resolution of Intent - Street Vacation - San Francisco Wholesale Produce Market - Portions of Jerrold and Kirkwood Avenues, Selby, Rankin, and Milton I. Ross Streets, and Lettuce Lane]**

**Sponsors: Cohen; Mayor**

Resolution: 1) declaring the intention of the Board of Supervisors to vacate Jerrold Avenue between Rankin Street and Toland Street, Milton I. Ross Street between Innes Avenue and Kirkwood Avenue, Kirkwood Avenue between Rankin Street and the proposed boundary of the San Francisco Wholesale Produce Market, Lettuce Lane between Jerrold Avenue and Kirkwood Avenue, portions of Selby Street between Innes Avenue and Kirkwood Avenue, and a portion of Rankin Street between Jerrold Avenue and Innes Avenue for purposes of the San Francisco Wholesale Produce Market Retention and Expansion, subject to certain conditions; and 2) setting the hearing date for all persons interested in the proposed vacation of said public right-of-way.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

**120719 [Real Property Lease Amendment - 720 Sacramento Street]**

**Sponsor: Chiu**

Resolution authorizing the amendment of the lease at 720 Sacramento Street for the Department of Public Health to extend the term by one year.
(fiscal impact)

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Olague

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Ray Hartz; expressed concerns relating to government, City Attorney, and City Librarian.*
*John DiDonna; expressed various concerns.*
*Male Speaker; expressed various concerns.*
*Peter Warfield; expressed concerns relating to the SF Public Library and Bernal Heights Mural Project.*
*Francisco Da Costa, expressed various concerns.*
*Eric Huang; expressed concerns relating to recent assault in Chinatown.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**120634 [Declaration - Results of June 5, 2012, Consolidated Presidential Primary Election]**
**Sponsor: Chiu**

Resolution declaring the results of the June 5, 2012, Consolidated Presidential Primary Election.

**ADOPTED**

**120702 [Accept and Expend Grant - Crocker Amazon Gardener - $39,884]**
**Sponsor: Avalos**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant of $39,884 from Sacred Heart Cathedral Preparatory to support a half-time gardener at Crocker Amazon Field.

**ADOPTED**

**120705 [Resolution of Intent - Multifamily Housing Revenue Bonds - 235 Broadway - Broadway Sansome Apartments]**
**Sponsor: Chiu**

Resolution declaring the intent of the City and County of San Francisco (the City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $28,000,000 for 235 Broadway - Broadway Sansome Apartments; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $28,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

**ADOPTED**

**120706 [Recreation and Parks Month - July 2012]**
**Sponsor: Chiu**

Resolution proclaiming July 2012 as Recreation and Parks Month in the City and County of San Francisco.

**ADOPTED**

**120707 [Accept and Expend Grant - Arts Education Grant - $18,000]**
**Sponsor: Wiener**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $18,000 from the MetLife Foundation Partners in Arts Education Grant Program for the WritersCorps Program.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Chiu requested that File No. 120711 be severed so that it may be considered separately.*

### 120711 [Committee of the Whole - Hearing on the Report of Assessment Costs for Blighted Properties]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 26, 2012, at 3:00 p.m., to hold a public hearing on a resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board related to File No. 120711. There were no speakers.*

**Motion No.** M12-077

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

## PROPOSED RESOLUTIONS

### 120703 [Disapproving Street Encroachment - 10 Niantic Avenue]

Resolution affirming Department of Public Works' recommendation for disapproval for occupancy of a portion of the public right-of-way with a portion of a new single family dwelling encroaching 3-feet into the public right-of-way at 10 Niantic Avenue (Block No. 7178, Lot No. 001) and urging the City to work with the applicants, Lee Yun Ling & Cindy Zhou, to vacate and acquire the subject portion of the public right-of-way. (Public Works Department)

06/14/12; RECEIVED FROM DEPARTMENT.

06/26/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120704 [Approving Street Encroachment - 10 Niantic Avenue]**

Resolution overturning Department of Public Works' recommendation for disapproval and granting revocable permission to Lee Yun Ling & Cindy Zhou, for the occupancy of a portion of the public right-of-way of a portion of a new single family dwelling encroaching 3-feet into the public right-of-way at 10 Niantic Avenue (Block No. 7178, Lot No. 001), conditioned upon the payment of an annual assessment fee as prescribed under Article 15, Section 786.7 of the Public Works Code; this project is consistent with the General Plan Referral and General Planning Code, Section 101.1. (Public Works Department)

06/14/12; RECEIVED FROM DEPARTMENT.

06/26/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:25 p.m.*

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